

# HOUSE BILL No. 4577

May 2, 2017, Introduced by Reps. Yanez, Hoadley, Sowerby, Ellison, LaGrand, Elder, Robinson, Cochran, Garrett, Moss, Hammoud and Gay-Dagnogo and referred to the Committee on Regulatory Reform.

A bill to amend 1915 PA 31, entitled  
"Youth tobacco act,"  
by amending section 4 (MCL 722.644), as amended by 2006 PA 236, and  
by adding section 2b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 2B. (1) A PERSON SHALL NOT SELL IN THIS STATE AN  
2        ELECTRONIC SMOKING DEVICE UNLESS THE ELECTRONIC SMOKING DEVICE IS  
3        PACKAGED IN A CHILD-RESISTANT CONTAINER THAT MEETS THE REQUIREMENTS  
4        OF THE POISON PREVENTION PACKAGING ACT OF 1970, 15 USC 1471 TO  
5        1477, AND OF 16 CFR PART 1700.

6        (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A  
7        MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$50.00 FOR THE  
8        FIRST VIOLATION AND NOT MORE THAN \$500.00 FOR A SECOND OR

1   **SUBSEQUENT VIOLATION.**

2       Sec. 4. As used in this act:

3       **(A) "ELECTRONIC SMOKING DEVICE" MEANS THAT TERM AS DEFINED IN**  
4   **SECTION 2 OF THE TOBACCO PRODUCTS TAX ACT, 1993 PA 327, MCL**  
5   **205.422.**

6       **(B) ~~(a)~~**"Minor" means an individual ~~under~~**WHO IS LESS THAN** 18  
7   years of age.

8       **(C) ~~(b)~~**"Person who sells tobacco products at retail" means a  
9   person whose ordinary course of business consists, in whole or in  
10   part, of the retail sale of tobacco products subject to state sales  
11   tax.

12       **(D) ~~(c)~~**"Public place" means a public street, sidewalk, or  
13   park or any area open to the general public in a publicly owned or  
14   operated building or public place of business.

15       **(E) ~~(d)~~**"Tobacco product" means a product that contains  
16   tobacco and is intended for human consumption, including, but not  
17   limited to, cigarettes, noncigarette smoking tobacco, or smokeless  
18   tobacco, as those terms are defined in section 2 of the tobacco  
19   products tax act, 1993 PA 327, MCL 205.422, and cigars.

20       **(F) ~~(e)~~**"Use a tobacco product" means to smoke, chew, suck,  
21   inhale, or otherwise consume a tobacco product.

22       Enacting section 1. This amendatory act takes effect 90 days  
23   after the date it is enacted into law.

24       Enacting section 2. This amendatory act does not take effect  
25   unless Senate Bill No. \_\_\_\_ or House Bill No. 4578 (request no.  
26   01761'17) of the 99th Legislature is enacted into law.