

**SUBSTITUTE FOR  
SENATE BILL NO. 970**

A bill to amend 1993 PA 327, entitled  
"Tobacco products tax act,"  
by amending sections 2 and 11 (MCL 205.422 and 205.431), section 2  
as amended by 2012 PA 188 and section 11 as amended by 2016 PA 86.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. As used in this act:

2       **(a) "Cigar" means any roll of tobacco wrapped in leaf tobacco**  
3 **or in any substance containing tobacco. Cigar does not include a**  
4 **cigarette.**

5       **(b) ~~(a)~~**"Cigarette" means a roll for smoking made wholly or in  
6 part of tobacco, irrespective of size or shape and irrespective of  
7 the tobacco being flavored, adulterated, or mixed with any other  
8 ingredient, which roll has a wrapper or cover made of paper or any

1 other material. Cigarette does not include cigars.

2 (c) ~~(b)~~ "Cigarette making machine" means any machine or other  
3 mechanical device which meets all of the following criteria:

4 (i) Is capable of being loaded with loose tobacco, cigarette  
5 tubes or cigarette papers, and any other components related to the  
6 production of cigarettes, including, but not limited to, cigarette  
7 filters.

8 (ii) Is designed to automatically or mechanically produce,  
9 roll, fill, dispense, or otherwise generate cigarettes.

10 (iii) Is commercial-grade or otherwise designed or suitable for  
11 commercial use.

12 (iv) Is designed to be powered or otherwise operated by a main  
13 or primary power source other than human power.

14 (d) ~~(e)~~ "Commissioner" means the state treasurer.

15 (e) "Container" or "shipping case" means an individual  
16 receptacle within which a tobacco product or group of tobacco  
17 products is placed for shipment, storage, or distribution, such as  
18 a box, case, or tote. A container or shipping case does not include  
19 any of the following:

20 (i) An individual package of cigarettes or cigarette carton  
21 containing cigarettes that are not counterfeit cigarettes.

22 (ii) Except for counterfeit cigarettes, the package or other  
23 article containing the tobacco product that is sold or transferred  
24 directly to the ultimate consumer.

25 (iii) A bag or similar package containing bulk or loose hookah  
26 tobacco, pipe tobacco, or roll-your-own cigarette tobacco that a  
27 retailer uses to fill bins, barrels, or tubs located at the  
28 retailer's place of business from which either the retailer sells a  
29 specified quantity of those tobacco products or a blend or mixture

1 of those tobacco products to the consumer, or the consumer removes  
2 or draws a specified quantity of those tobacco products or a blend  
3 or mixture of those tobacco products for purchase at retail from  
4 the retailer.

5 (iv) A pallet or similar article or device upon which an  
6 individual receptacle or group of receptacles, containing the  
7 tobacco products, is placed for shipment, **storage**, or distribution.

8 (v) Property used as a protective covering **for**, or to keep  
9 together during shipment, **storage**, or distribution, a receptacle or  
10 group of receptacles within which the tobacco product is placed for  
11 shipment, **storage**, or distribution including shrink wrap or other  
12 wrapping materials, but excluding the protective covering which  
13 forms, gives shape to, or otherwise constitutes the receptacle  
14 within which the tobacco product is placed for shipment, **storage**,  
15 or distribution.

16 (f) ~~(d)~~—"Counterfeit cigarette" means a cigarette in an  
17 individual package of cigarettes or other container with a false  
18 manufacturing label or a cigarette in an individual package of  
19 cigarettes or other container with a counterfeit stamp.

20 (g) ~~(e)~~—"Counterfeit cigarette paper" means a cigarette paper  
21 with a false manufacturing label or that has not been printed,  
22 manufactured, or made by authority of the trademark owner.

23 (h) ~~(f)~~—"Counterfeit stamp" means any stamp, label, or print,  
24 indicium, or character, that evidences, or purports to evidence,  
25 the payment of any tax levied under this act and that has not been  
26 printed, manufactured, or made by authority of the department as  
27 provided in this act and has not been issued, sold, or circulated  
28 by the department.

29 (i) ~~(g)~~—"Department" means the department of treasury.

(j) ~~(h)~~ "Financially sound" means a determination by the department that the wholesaler or unclassified acquirer is able to pay ~~for its stamps~~ **the tax due on the tobacco products it sells, imports, or acquires, as applicable,** in the ordinary course of business based on criteria including, but not limited to, all of the following:

(i) Past filing and payment history with the department.

(ii) Outstanding liabilities.

(iii) Review of current financial statements including, but not limited to, balance sheets and income statements.

(iv) Duration that the wholesaler or unclassified acquirer has been licensed under this act.

**(v) Ability to pay for its stamps, if required under this act.**

(k) ~~(i)~~ "Gray market cigarette" means any cigarette the package of which bears any statement, label, stamp, sticker, or notice indicating that the manufacturer did not intend the cigarettes to be sold, distributed, or used in the United States, including, but not limited to, a label stating "For Export Only", "U.S. Tax Exempt", "For Use Outside U.S.", or similar wording.

(l) ~~(j)~~ "Gray market cigarette paper" means any cigarette paper the package of which bears any statement, label, stamp, sticker, or notice indicating that the manufacturer did not intend the cigarette papers to be sold, distributed, or used in the United States, including, but not limited to, a label stating "For Export Only", "U.S. Tax Exempt", "For Use Outside U.S.", "For Use in \_\_\_\_\_ (another country) Only", or similar wording.

(m) "Hookah tobacco" means tobacco that is **designed, manufactured, or otherwise** intended for consumption by smoking in a hookah and that is flavored with honey, molasses, fruit, or other

1 **natural or artificial** flavors. Hookah tobacco includes those  
 2 products commonly known or referred to as narghile, argileh,  
 3 shisha, hubble-bubble, **molasses tobacco, waterpipe tobacco,**  
 4 **maassel,** or goza.

5 (n) "Hookah" means a device, **including a waterpipe,** used for  
 6 smoking hookah tobacco that consists of a tube connected to a  
 7 chamber where the smoke is cooled passing through water.

8 (o) ~~(k)~~—"Individual package" means an individual packet or  
 9 pack used to contain or to convey cigarettes to the consumer.  
 10 Individual package does not include cartons, cases, or shipping or  
 11 storage containers that contain smaller packaging units of  
 12 cigarettes.

13 (p) ~~(l)~~—"Licensee" means a person licensed under this act.

14 (q) ~~(m)~~—"Manufacturer" means any of the following:

15 (i) ~~A~~**Except as otherwise provided in this subdivision, a**  
 16 person who manufactures or produces a tobacco product.

17 (ii) A person who operates or who permits any other person to  
 18 operate a cigarette making machine in this state for the purpose of  
 19 producing, filling, rolling, dispensing, or otherwise generating  
 20 cigarettes. A person who is a manufacturer under this subparagraph  
 21 shall constitute a nonparticipating manufacturer for purposes of  
 22 sections 6c and 6d. A person who operates or otherwise uses a  
 23 machine or other mechanical device, other than a cigarette making  
 24 machine, to produce, roll, fill, dispense, or otherwise generate  
 25 cigarettes shall not be considered a manufacturer as long as the  
 26 cigarettes are produced or otherwise generated in that person's  
 27 dwelling and for that person's self-consumption. For purposes of  
 28 this act, "self-consumption" means production for personal  
 29 consumption or use and not for sale, resale, or any other profit-

1 making endeavor.

2 (iii) A person who does any of the following shall not be  
3 considered a manufacturer:

4 (A) Mixes or blends 2 or more different tobacco products to  
5 create a custom mix or blend of those products if each of the  
6 constituent tobacco products mixed or blended together is a  
7 finished tobacco product that the person could or does otherwise  
8 sell to consumers and upon which the tax under this act has been  
9 paid.

10 (B) Creates or produces, by filling a fruit with hookah  
11 tobacco, what is commonly known as a fruit bowl or fruit head for  
12 use in a hookah.

13 (C) Rolls a cigar for his or her own self-consumption.

14 (r) ~~(n)~~—"Noncigarette smoking tobacco" means tobacco sold in  
15 loose or bulk form that is intended for consumption by smoking and  
16 also includes roll-your-own cigarette tobacco, **hookah tobacco, pipe**  
17 **tobacco, or a wrap.**

18 (s) ~~(o)~~—"Person" means an individual, partnership, fiduciary,  
19 association, limited liability company, corporation, or other legal  
20 entity.

21 (t) "Pipe tobacco" means any tobacco that, because of its  
22 appearance, type, packaging, or labeling, is suitable for use and  
23 likely to be offered to, or purchased by, consumers as tobacco to  
24 smoke in a pipe.

25 (u) ~~(p)~~—"Place of business" means a place where a tobacco  
26 product is sold or where a tobacco product is brought or kept for  
27 the purpose of sale or consumption, including a vessel, airplane,  
28 train, or vending machine.

29 (v) ~~(q)~~—"Retailer" means a person other than a transportation

1 company who operates a place of business **in this state, or who**  
 2 **directs, manages, or has control over the day-to-day operations of**  
 3 **a place of business in this state,** for the purpose of making sales  
 4 of a tobacco product at retail. **A person described in this**  
 5 **subdivision qualifies as a retailer regardless of whether that**  
 6 **person owns the place of business.**

7 (w) "Roll-your-own cigarette tobacco" means any tobacco which,  
 8 because of its appearance, type, packaging, or labeling, is  
 9 suitable for use and likely to be offered to, or purchased by,  
 10 consumers as tobacco for making cigarettes.

11 (x) ~~(r)~~—"Sale" means a transaction by which the ownership of  
 12 tangible personal property is transferred for consideration and  
 13 applies also to use, gifts, exchanges, barter, and theft.

14 (y) ~~(s)~~—"Secondary wholesaler" means a person who sells a  
 15 tobacco product for resale, who purchases a tobacco product from a  
 16 wholesaler or unclassified acquirer licensed under this act, and  
 17 who maintains an established place of business in this state where  
 18 a substantial portion of the business is the sale of tobacco  
 19 products and related merchandise at wholesale, and where at all  
 20 times a substantial stock of tobacco products and related  
 21 merchandise is available to retailers for resale.

22 (z) ~~(t)~~—"Smokeless tobacco" means snuff, **snus**, chewing  
 23 tobacco, **moist snuff**, and any other tobacco that is intended to be  
 24 **used or consumed, whether heated, chewed, absorbed, dissolved,**  
 25 **inhaled, snorted, sniffed, or ingested,** by **any** means other than  
 26 smoking **or combustion.**

27 (aa) ~~(u)~~—"Stamp" means a distinctive character, indication, or  
 28 mark, as determined by the department, attached or affixed to an  
 29 individual package of cigarettes by mechanical device or other

1 means authorized by the department to indicate that the tax imposed  
2 under this act has been paid.

3       **(bb)** ~~(v)~~—"Stamping agent" means a wholesaler or unclassified  
4 acquirer other than a manufacturer who is licensed and authorized  
5 by the department to affix stamps to individual packages of  
6 cigarettes on behalf of themselves and other wholesalers or  
7 unclassified acquirers other than manufacturers.

8       **(cc)** ~~(w)~~—"Tobacco product" means **a product containing any**  
9 **amount of tobacco regardless of form including, but not limited to,**  
10 cigarettes, cigars, noncigarette smoking tobacco, or smokeless  
11 tobacco. **A tobacco product does not include drugs, devices, or**  
12 **combination products authorized for sale by the United States Food**  
13 **and Drug Administration, as those terms are defined in the federal**  
14 **food, drug, and cosmetic act, 21 USC 351 to 360fff-7.**

15       **(dd)** ~~(x)~~—"Transportation company" means a person operating, or  
16 supplying to common carriers, cars, boats, or other vehicles for  
17 the transportation or accommodation of passengers and engaged in  
18 the sale of a tobacco product at retail.

19       **(ee)** ~~(y)~~—"Transporter" means a person importing or  
20 transporting into this state, or transporting in this state, a  
21 tobacco product obtained from a source located outside this state,  
22 or from any person not duly licensed under this act. Transporter  
23 does not include an interstate commerce carrier licensed by the  
24 interstate commerce commission, **or its successor federal agency,** to  
25 carry commodities in interstate commerce, or a licensee maintaining  
26 a warehouse or place of business outside of this state if the  
27 warehouse or place of business is licensed under this act.

28       **(ff)** ~~(z)~~—"Unclassified acquirer" means a person, except a  
29 transportation company or a purchaser at retail from a retailer



1 licensed under the general sales tax act, 1933 PA 167, MCL 205.51  
 2 to 205.78, who imports or acquires a tobacco product from a source  
 3 other than a wholesaler or secondary wholesaler licensed under this  
 4 act for use, sale, or distribution **in this state**. Unclassified  
 5 acquirer also means a person who **purchases or** receives ~~cigars,~~  
 6 ~~noncigarette smoking tobacco, or smokeless tobacco~~ **products**  
 7 directly from a manufacturer licensed under this act or from  
 8 another source outside this state, which source is not licensed  
 9 under this act. **An unclassified acquirer also includes a person not**  
 10 **located in this state that sells a tobacco product, through a mail**  
 11 **order, catalog sale, telephone order, internet sale, or any other**  
 12 **means, to a retailer or other person in this state that is not**  
 13 **licensed under this act as a wholesaler, unclassified acquirer**  
 14 **other than a manufacturer, or secondary wholesaler.** An unclassified  
 15 acquirer does not include a wholesaler.

16 (gg) ~~(aa)~~ "Vending machine operator" means a person who  
 17 operates 1 or more vending machines **in this state** for the sale of a  
 18 tobacco product and who purchases a tobacco product from a  
 19 manufacturer, licensed wholesaler, or secondary wholesaler.

20 (hh) ~~(bb)~~ "Wholesale price" means the actual price paid **to a**  
 21 **seller** for a tobacco product, ~~including any tax,~~ by a wholesaler or  
 22 unclassified acquirer ~~to a manufacturer, excluding any discounts or~~  
 23 ~~reductions.~~ **in order to acquire that tobacco product from the**  
 24 **seller. The wholesale price includes any tax, fee, licensing, or**  
 25 **other charge, except as otherwise provided in this subdivision,**  
 26 **reflected on the invoice, bill of sale, purchase order, or other**  
 27 **document evidencing the sale or purchase of the tobacco product.**  
 28 **Wholesale price does not include, if separately stated on the**  
 29 **invoice, bill of sale, purchase order, or other document evidencing**

1 the sale of the tobacco product, shipping or handling charges for  
2 cigarettes, and reasonable shipping or handling charges for tobacco  
3 products other than cigarettes such as transportation, shipping,  
4 postage, handling, crating, or packing. When items or products,  
5 other than tobacco products, are included in a transaction for the  
6 purchase of tobacco products by a wholesaler or unclassified  
7 acquirer, charges for those products or items that are not tobacco  
8 products, including shipping and handling charges, may be excluded  
9 from the wholesale price if separately stated on the invoice, bill  
10 of sale, purchase order, or other document evidencing the sale or  
11 purchase. The wholesale price shall not be reduced due to any  
12 rebate, trade allowance, licensing or exclusivity agreement, volume  
13 or other discount, or any other reduction given by the seller or  
14 passed on to or otherwise received by the wholesaler or  
15 unclassified acquirer from the seller. If the wholesaler or  
16 unclassified acquirer has a relationship as described in section  
17 267(b) of the internal revenue code of 1986, 26 USC 267, with the  
18 seller, the department may establish the wholesale price for the  
19 tobacco products based on the best available information or any  
20 other reasonable proxy for the wholesale price including, but not  
21 limited to, the wholesale price paid by other taxpayers for those  
22 tobacco products within the past 4 years.

23 (ii) ~~(ee)~~ "Wholesaler" means a person who purchases all or  
24 part of ~~his or her~~ **its** tobacco products from a manufacturer ~~, and~~  
25 who sells 75% or more of those tobacco products to others for  
26 resale. ~~, and who maintains an established business where~~  
27 ~~substantially all of the business is the sale of tobacco products~~  
28 ~~or cigarettes and related merchandise at wholesale and where at all~~  
29 ~~times a substantial stock of tobacco products and related~~

1 ~~merchandise is available to retailers for resale.~~ Wholesaler  
2 includes a chain of stores retailing a tobacco product to the  
3 consumer if 75% of its stock of tobacco products is purchased  
4 directly from the manufacturer.

5 (jj) "Wrap" means an individual tobacco wrapper that is made  
6 wholly or in part from tobacco, including reconstituted tobacco,  
7 whether in the form of tobacco leaf, sheet, or tube, if the wrap is  
8 designed to be offered, or is offered, for sale to consumers to  
9 create or to use as a component part of a tobacco product.

10 Sec. 11. (1) A person, ~~either as principal or agent, not~~  
11 **licensed under this act as either a wholesaler or unclassified**  
12 **acquirer that is not a manufacturer,** shall not sell or solicit a  
13 sale of a tobacco product to be shipped, mailed, or otherwise  
14 **imported,** sent or brought into the state, to a person not a  
15 ~~licensed manufacturer, licensed wholesaler, licensed secondary~~  
16 ~~wholesaler, licensed vending machine operator, licensed~~  
17 ~~unclassified acquirer, licensed transporter, or licensed~~  
18 ~~transportation company,~~ **licensed under this act,** unless the tobacco  
19 product is to be sold ~~to or~~ through a ~~licensed wholesaler or~~  
20 **unclassified acquirer other than a manufacturer, licensed under**  
21 **this act.**

22 (2) A person, in this state, that is not licensed under this  
23 act, shall not order, purchase, or otherwise engage in a  
24 transaction to acquire a tobacco product that is to be shipped,  
25 mailed, imported, sent, or brought into this state unless that  
26 tobacco product is to be sold through a wholesaler or unclassified  
27 acquirer other than a manufacturer, licensed under this act. A  
28 tobacco product ordered, purchased, or acquired by a person in  
29 violation of this subsection is contraband subject to seizure and

1 forfeiture under section 9. A person who violates this subsection  
2 shall be considered to be in control or possession of a tobacco  
3 product in violation of this act for purposes of section 8(1),  
4 regardless of whether that tobacco product has been sold, consumed,  
5 or otherwise disposed of. Any limitation on the tax applicable to  
6 cigars under section 7(1)(g) shall not apply, or otherwise be taken  
7 into account, for purposes of determining the liability for taxes  
8 and penalties under section 8(1) arising from a violation of this  
9 subsection.

10 (3) Except as provided in section 8(2) regarding  
11 representatives of a licensed manufacturer, a retailer in this  
12 state shall not purchase, possess, acquire for resale at retail, or  
13 sell a tobacco product in this state unless that tobacco product  
14 was purchased or otherwise acquired directly from a wholesaler,  
15 unclassified acquirer other than a manufacturer, or secondary  
16 wholesaler, licensed under this act. A retailer who violates this  
17 subsection shall be considered to be in control or possession of a  
18 tobacco product in violation of this act for purposes of section  
19 8(1), regardless of whether that tobacco product has been sold,  
20 consumed, or otherwise disposed of. Any limitation on the tax  
21 applicable to cigars under section 7(1)(g) shall not apply, or  
22 otherwise be taken into account, for purposes of determining the  
23 liability for taxes and penalties under section 8(1) arising from a  
24 violation of this subsection.

25 (4) A retailer shall be considered to have purchased or  
26 otherwise acquired a tobacco product in compliance with subsection  
27 (3) if all of the following conditions are met:

28 (a) The retailer obtains a copy of the license of the  
29 wholesaler, secondary wholesaler, or unclassified acquirer other

1 than a manufacturer at the time of purchase or acquisition.

2 (b) The license described in subdivision (a) was not expired  
3 at the time the tobacco product was purchased or otherwise acquired  
4 by the retailer.

5 (c) The copy of the license is preserved by the retailer in  
6 the same manner, for the same period of time, and offered for  
7 inspection as required of other statements and records under  
8 section 6.

9 (5) Notwithstanding anything in this act to the contrary, a  
10 licensee may provide a copy of its license to a retailer for  
11 purposes of this section. A retailer that obtains a copy of the  
12 license for a particular licensee under this section is not  
13 required to obtain another copy of the license for subsequent  
14 purchases or acquisitions of tobacco products from that licensee  
15 which are made during the active license year and prior to the  
16 expiration of that license.

17 (6) ~~(2) All~~ Subject to subsection (1), all sales conducted  
18 through the ~~Internet,~~ internet, by telephone, or in a mail-order  
19 transaction shall not be completed unless, before each delivery of  
20 ~~cigarettes~~ tobacco products is made, whether through the mail,  
21 through a transportation company, or through any other delivery  
22 system, the seller has obtained from the purchaser an affirmation  
23 that includes a copy of a valid government-issued document that  
24 confirms the purchaser's name, address, and date of birth showing  
25 that the purchaser is at least the legal minimum age to purchase  
26 ~~cigarettes;~~ tobacco products; that the ~~cigarettes~~ tobacco products  
27 purchased are not intended for consumption by an individual who is  
28 younger than the legal minimum age to purchase ~~cigarettes;~~ tobacco  
29 products; and a written statement signed by the purchaser that

affirms the purchaser's address and that the purchaser is at least the minimum legal age to purchase ~~cigarettes.~~ **tobacco products**. The statement shall also confirm that the purchaser understands that signing another person's name to the affirmation is illegal; that the sale of ~~cigarettes~~ **tobacco products** to individuals under the legal minimum purchase age is illegal; and that the purchase of ~~cigarettes~~ **tobacco products** by individuals under the legal minimum purchase age is illegal under the laws of the state of Michigan.

The seller shall verify the information contained in the affirmation provided by the purchaser against a commercially available database of governmental records, or obtain a photocopy, fax copy, or other image of the valid, government-issued identification stating the date of birth or age of the purchaser.

(7) ~~(3) All~~ **Subject to subsection (1), all** invoices, bills of lading, sales receipts, or other documents related to ~~cigarette~~ **tobacco product** sales conducted through the internet, by telephone, or in a mail-order transaction shall contain the current seller's valid Michigan sales tax ~~registration number,~~ **license number or use tax registration number**, business name and address of the seller, and a statement as to whether all sales taxes **or use taxes, as applicable**, and taxes levied under this act have been paid. All packages of ~~cigarettes~~ **tobacco products** shipped from a ~~cigarette~~ **tobacco product** seller to purchasers who reside in Michigan shall clearly print or stamp the package with the word ~~"CIGARETTES"~~ **"TOBACCO PRODUCTS"** on the outside of all sides of the package so it is clearly visible to the shipper. ~~In addition, the package shall contain an externally visible and clearly legible notice located on the same side of the package as the address to which the package is delivered, as follows:~~

~~"IF THESE CIGARETTES HAVE BEEN SHIPPED TO YOU FROM A SELLER LOCATED OUTSIDE OF THE STATE IN WHICH YOU RESIDE, THE SELLER HAS REPORTED UNDER FEDERAL LAW THE SALE OF THESE CIGARETTES TO OUR STATE TAX COLLECTION AGENCY, INCLUDING YOUR NAME AND ADDRESS. YOU ARE LEGALLY RESPONSIBLE FOR ALL APPLICABLE UNPAID STATE TAXES ON THESE CIGARETTES."~~

If an order is made as a result of advertisement over the Internet, ~~internet~~, the tobacco retailer shall request the electronic mail address of the purchaser and shall receive payment by credit card or check before ~~shipping. completing the sale.~~ This subsection ~~and subsection (2) do~~ **does** not apply to sales by wholesalers and unclassified acquirers **licensed under this act.**

(8) ~~(4)~~ The deliverer of the ~~cigarettes~~ **tobacco products** is required to obtain proof from a valid government-issued document that the person signing for the ~~cigarettes~~ **tobacco products** is the purchaser.

(9) ~~(5)~~ Beginning November 1, 2012, a retailer ~~that is not licensed as an unclassified acquirer, retail importer of tobacco products other than cigarettes,~~ **not otherwise licensed or required to be licensed under this act** shall post a sign, visible to the public inside the retail establishment that informs purchasers of cigars through catalog sales, **telephone or mail orders**, or ~~Internet~~ **internet** sales of their ~~responsibility to pay all liability for any~~ applicable unpaid state taxes on those cigars **and that cigars purchased in violation of this act are contraband.**

(10) ~~(6)~~ As used in this section:

(a) "Computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations,

1 including logical, arithmetic, or memory functions with or on  
2 computer data or a computer program, and that can store, retrieve,  
3 alter, or communicate the results of the operations to a person,  
4 computer program, computer, computer system, or computer network.

5 (b) "Computer network" means the interconnection of hardwire  
6 or wireless communication lines with a computer through remote  
7 terminals or a complex consisting of 2 or more interconnected  
8 computers.

9 (c) "Computer program" means a series of internal or external  
10 instructions communicated in a form acceptable to a computer that  
11 directs the functioning of a computer, computer system, or computer  
12 network in a manner designed to provide or produce products or  
13 results from the computer, computer system, or computer network.

14 (d) "Computer system" means related, connected or unconnected,  
15 computer equipment, devices, software, or hardware.

16 (e) "Credit card" means a card or device issued by a person  
17 licensed under 1984 PA 379, MCL 493.101 to 493.114, or under the  
18 consumer financial services act, 1988 PA 161, MCL 487.2051 to  
19 487.2072, or issued by a depository financial institution as  
20 defined in section 1a of the mortgage brokers, lenders, and  
21 services licensing act, 1987 PA 173, MCL 445.1651a, under a credit  
22 card arrangement.

23 (f) "Device" includes, but is not limited to, an electronic,  
24 magnetic, electrochemical, biochemical, hydraulic, optical, or  
25 organic object that performs input, output, or storage functions by  
26 the manipulation of electronic, magnetic, or other impulses.

27 (g) "Internet" means the connection to the World Wide Web  
28 through the use of a computer, a computer network, or a computer  
29 system.



1           (h) "Sale conducted through the ~~Internet~~**internet**" means a  
2   sale of, a solicitation to sell, a purchase of, or an offer to  
3   purchase ~~cigarettes~~**tobacco products** conducted all or in part by  
4   accessing an ~~Internet~~**internet** website.

5           **Enacting section 1. This amendatory act takes effect January**  
6   **1, 2022.**