

# SENATE BILL NO. 783

February 05, 2020, Introduced by Senator RUNESTAD and referred to the Committee on Regulatory Reform.

A bill to amend 1915 PA 31, entitled  
"Youth tobacco act,"  
(MCL 722.641 to 722.645) by adding section 1a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1a. (1) A person who sells vapor products at retail shall  
2 not do any of the following:

3       (a) Advertise a vapor product with the intent to encourage a  
4 minor to use a vapor product.

5       (b) Entice a minor to use a vapor product through the use of a

1 display that includes any of the following:

2 (i) A cartoon.

3 (ii) An image, character, or phrase that is similar to an  
4 image, character, or phrase popularly used in advertising to  
5 children.

6 (iii) A video game, movie, or animated television show that is  
7 known to appeal primarily to minors.

8 (iv) An imitation of candy in packaging or labeling.

9 (v) A name common to "candy" or "candies", or other variants  
10 in spelling such as "kandy" or "kandeez".

11 (vi) The names of common dessert foods, including, but not  
12 limited to, milkshake, cupcake, or thin mint.

13 (c) Display a vapor product that has on its packaging an  
14 indication or illustration, including a brand element, that could  
15 cause a minor to believe that the product is flavored if there is a  
16 reasonable belief that the indication or illustration may appeal to  
17 a minor.

18 (d) Advertise a vapor product in a manner that causes a minor  
19 to believe that health benefits may be derived from the use of the  
20 vapor product, unless the vapor product is approved by the United  
21 States Food and Drug Administration.

22 (e) Promote a vapor product by means of lifestyle advertising.

23 (f) Promote a vapor product by comparing the health effects  
24 that arise from the use of vapor products with the health effects  
25 that arise from the use of tobacco products.

26 (g) Promote a vapor product by means of a paid or unpaid  
27 sponsorship of a concert, sports event, or any event with an  
28 audience that has a significant percentage of minors or an event  
29 with paid participants who are minors.

1           (2) A person who violates subsection (1) is guilty of a  
2 misdemeanor punishable by a fine as follows:

3           (a) For a first offense, not more than \$500.00.

4           (b) For a second offense, no more than \$1,000.00.

5           (c) For a third or subsequent offense, not more than  
6 \$2,500.00.

7           (3) Subject to the restrictions in this section, a person may  
8 sell a vapor product of any flavor to an individual who is at least  
9 21 years of age.

10          (4) As used in this section, "lifestyle advertising" means  
11 advertising that associates a product with, or evokes a positive or  
12 negative emotion about or image of, a way of life, including one  
13 that includes glamour, recreation, excitement, vitality, risk, or  
14 daring.

15          Enacting section 1. This amendatory act does not take effect  
16 unless all of the following bills of the 100th Legislature are  
17 enacted into law:

18          (a) Senate Bill No. 781.

19  
20          (b) Senate Bill No. 782.

21  
22          (c) Senate Bill No. 784.