

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.42a Outdoor sign advertising smokeless tobacco product; warning statements; local ordinance, regulation, or other law.

Sec. 42a. (1) A person who uses an outdoor sign to advertise a smokeless tobacco product shall display on the outdoor sign 1 of the following statements:

- (a) "WARNING: This product may cause mouth cancer."
- (b) "WARNING: This product may cause gum disease and tooth loss."
- (c) "WARNING: This product is not a safe alternative to cigarettes."

(2) The warning statements required under subsection (1) shall be rotated every 4 months, and shall meet all of the following requirements:

(a) Be surrounded by a black border, the width of which is not less than the width of the vertical element of a letter in the warning statement. There shall be a 1-1/2 inch white border surrounding the black border.

(b) Be printed in capital letters that are black on a white background, and in the following size and type:

(i) For an outdoor sign that has a surface area of more than 150 square feet, but less than 350 square feet, the letters shall be not less than 5-1/2 inches in height and printed in univers 67 cold type.

(ii) For an outdoor sign that has a surface area of 350 square feet or more, but less than 1,200 square feet, the letters shall be not less than 6 inches in height and printed in univers 59 cold type.

(iii) For an outdoor sign that has a surface area of 1,200 square feet or more, the letters shall be not less than 8 inches in height and printed in univers 57 cold type.

(3) An ordinance, regulation, or other law enacted by a local unit of government shall not require either of the following for an outdoor sign that advertises a smokeless tobacco product:

(a) A statement other than 1 of the statements required under subsection (1).

(b) For the statements required under subsection (1), a format and type style other than the format and type style required under subsection (2).

(4) A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year or a fine of not more than \$5,000.00, or both.

(5) As used in this section:

(a) "Outdoor sign" means a sign, display, device, figure, painting, drawing, message, placard, poster, or billboard that is placed outdoors, is stationary, has a surface area of more than 150 square feet, and is designed, intended, or used to advertise or promote.

(b) "Person" means an individual, corporation, partnership, or other business entity that manufactures, packages, or imports smokeless tobacco products.

(c) "Smokeless tobacco product" means any finely cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity.

History: Add. 1988, Act 295, Eff. Mar. 30, 1989.