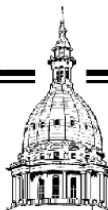




**Senate Fiscal Agency**  
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**BILL ANALYSIS**



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Senate Bill 757 (Substitute S-1 as reported)  
 Sponsor: Senator Joanne G. Emmons  
 Committee: Health Policy and Senior Citizens

Date Completed: 11-29-95

**RATIONALE**

The current Youth Tobacco Act is said to be highly ineffective and rarely enforced. This Act makes it a misdemeanor for a retailer to sell tobacco to a minor (someone under 18) or for a minor to use tobacco in public; either offense is punishable by a maximum fine of \$50. To increase the enforcement of the law as well as create a greater disincentive to violate it, some have proposed replacing the Youth Tobacco Act with a new uniform Statewide standard. Thus, Senate Bill 730 (S-2), currently before the Senate, would create the "Youth Tobacco Prevention Act" to enact a range of higher penalties against retail violators and make an offense committed by a minor a "state civil infraction" punishable by a civil fine of \$100.

Public Act 54 of 1995, which will take effect on January 1, 1996, amended the Revised Judicature Act to provide for the adjudication of State civil infractions. Public Act 54 requires civil infraction fine revenue to be applied to the support of public libraries and county law libraries (in order "to maintain a source of revenue for public libraries which previously received penal fines for misdemeanor violations of state statute which are now designated state civil infractions"). Thus, under the proposed Youth Tobacco Prevention Act, fines collected from minors would be dedicated to libraries. It has been suggested that enforcement of the proposed law would be enhanced if at least half of the fine revenue were distributed to the local units where violations occurred.

**CONTENT**

The bill would amend the Revised Judicature Act to provide that a civil fine ordered for a State civil infraction violation of the proposed Youth Tobacco Prevention Act would have to be distributed as follows:

- 50% for the support of public libraries.
- 50% to the local governmental unit in which the infraction occurred. The bill states that this provision would be intended to assist in defraying the costs incurred by local units in enforcing the proposed Youth Tobacco Prevention Act.

The bill is tie-barred to Senate Bill 730.

MCL 600.8831

**ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

**Supporting Argument**

According to the Ingham County Health Department, tobacco use is the single greatest contributor to deaths and disabilities that can be prevented, and the vast majority of smokers pick up the habit before they are 18. Discouraging youths from smoking in the first place could save numerous lives and prevent countless diseases. The existing Youth Tobacco Act, however, is lamentably ineffective in doing so. By replacing the current law with the proposed Youth Tobacco Prevention Act, Senate Bill 730 (S-2) would increase the likelihood of both prosecution and deterrence. In particular, changing violations by minors to State civil infractions would make the law easier to enforce as well as more likely to be enforced and obeyed. By dedicating 50% of the civil fine revenue to local units where violations occurred, Senate Bill 757 (S-1) would give communities an additional incentive to enforce the law, and would enhance efforts to protect the health of youths.

Legislative Analyst: S. Margules

## **FISCAL IMPACT**

The bill would require that penal fines collected under the "Youth Tobacco Prevention Act" in Senate Bill 730 (S-2) be distributed half to the local government units in which the civil infraction occurred, and half to the public and county law libraries. The total penal fines collected depends on the number of youths fined and the amount of the fines.

Fiscal Analyst: R. Ross

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.