

Act No. 169
Public Acts of 2022
Approved by the Governor
July 21, 2022
Filed with the Secretary of State
July 21, 2022
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**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Senators Zorn, Outman, Ananich, Wojno and Bullock

ENROLLED SENATE BILL No. 576

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 42b (MCL 750.42b), as added by 1992 PA 273.

The People of the State of Michigan enact:

Sec. 42b. (1) Except as provided in subsection (3), a person shall not sell or distribute a tobacco product in this state through the use of the United States mail service, express mail service, parcel post service, or any common carrier service except to persons who have previously paid or agreed to pay for the products at fair market value. This subsection does not apply to any person employed by the United States Postal Service or by any common carrier while carrying or delivering a tobacco product mailed or shipped by another person.

(2) A person shall not, as part of his, her, or its business, either directly or through an agent, distribute tobacco products to persons who did not previously pay or agree to pay for the products unless all of the following provisions are met:

(a) The person or agent that distributes the tobacco product distributes only tobacco products regularly sold or manufactured by that person or agent.

(b) The person that distributes the tobacco product ascertains that the individual who receives the tobacco product is 21 years of age or older.

(c) The individual who receives the tobacco product is physically present to receive the product.

(d) Distribution is not prohibited by any local ordinance.

(3) Subsection (1) does not prohibit the sale or distribution of a tobacco product in this state through the use of the United States mail service, express mail service, parcel post service, or any common carrier service if the sale or distribution is in response to a consumer complaint or is part of a direct mail marketing of products to specifically named individuals, and which response or marketing involves the prior return by the same specifically-named individual of an authorization card to the tobacco company that indicates that the individual is at least 21 years of age, is signed by the individual, and is kept on file by the tobacco company for at least 1 year.

(4) A person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$10,000.00, or both.

(5) A person who violates subsection (2) is guilty of a misdemeanor punishable by 1 or more of the following:

(a) Imprisonment for not more than 90 days.

(b) A fine of not more than \$500.00.

(c) Community service for not more than 180 days.

(6) As used in this section:

(a) "Employed" includes engaged as an agent or independent contractor.

(b) "Person" means an individual, partnership, corporation, association, or other legal entity.

(c) "Sell or distribute" includes to send or to provide free samples or any other distribution not for sale.

(d) House Bill No. 6109.

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Secretary of the Senate

Clerk of the House of Representatives

Governor