

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.470 Cigarettes, cigars, or other tobacco products; sale or distribution through use of vending machines in places of public accommodation; prohibition; exceptions; violation as misdemeanor; penalty; enforcement.

Sec. 470.

(1) Except as provided in subsection (2), a person, in a place of public accommodation to which access by minors is not prohibited by law, shall not sell or distribute cigarettes, cigars, or other tobacco products through the use of a vending machine, or install or maintain a vending machine with the intent of selling or distributing cigarettes, cigars, or other tobacco products. For purposes of this section, "place of public accommodation" has the same meaning as that term has in section 301(a) of the persons with disabilities civil rights act, 1976 PA 220, MCL 37.1301.

(2) This section does not apply to a cigarette vending machine that meets either of the following criteria:

(a) The cigarette vending machine is located in an establishment that has a class C license as defined in section 2t of the Michigan liquor control act, 1933 (Ex Sess) PA 8, MCL 436.2t, and 1 of the following applies:

(i) If the establishment has a bar that is located in a room that is separated from the remainder of the establishment by a wall and a doorway, the cigarette vending machine is located entirely in that room.

(ii) If the establishment has a bar that is not located in a room that is separated from the remainder of the establishment by a wall and a doorway, the cigarette vending machine is located not more than 20 feet from the bar, is located clearly within the bar area and not in a hallway, coat room, rest room, or similar unrelated area, and is under the direct visual supervision of an adult.

(b) The cigarette vending machine is located entirely in an area, office, plant, factory, or private membership club that is not open to the public, and is located not less than 20 feet from all entrances and exits that are accessible to the general public.

(3) A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 6 months, service to the community for a period of not more than 45 days, or a fine of not more than \$1,000.00, or any combination of imprisonment, community service, or fine. Each day that a person has a vending machine that dispenses cigarettes, cigars, or other tobacco products constitutes a separate offense.

(4) The provisions of this section shall be enforceable by a local health department to the same extent and by the same means as regulations adopted by that local health department.

History: Add. 1992, Act 271, Eff. June 16, 1993 ;-- Am. 1998, Act 38, Imd. Eff. Mar. 18, 1998

Compiler's Notes: Former MCL 750.470, which pertained to employment of persons with infections or venereal disease in cigar or food establishments, was repealed by Act 368 of 1978, Eff. Sept. 30, 1978.