

MUSKEGON COUNTY BOARD OF COMMISSIONERS
ORDINANCE NO. 2015 - 487
POSSESSION OF TOBACCO PRODUCTS BY MINORS
APPROVAL DATE:
PUBLISH DATE: December 13, 2015

THE COUNTY OF MUSKEGON, STATE OF MICHIGAN, HEREBY ORDAINS:

Section 1. PURPOSE: The Board of Commissioners of the County of Muskegon has determined that it is in the best interests of the citizens of Muskegon County to prohibit the possession of tobacco products by minors and to establish fines for the violation hereof.

Section 2. DEFINITIONS:

- a. "Alternative Nicotine Product" means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means.
- b. "Tobacco Product" means a product that contains tobacco and is intended for human consumption, including, but not limited to, cigarettes, non-cigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422, and cigars.
- c. "Vapor Product" means all noncombustible products that employ a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

Section 3. PURCHASE, CONSUMPTION OR POSSESSION OF TOBACCO PRODUCTS BY MINORS: A person who is less than 18 years of age shall not do any of the following:

- a. Purchase or attempt to purchase a tobacco product, vapor product or alternative nicotine product.
- b. Possess or attempt to possess a tobacco product, vapor product or alternative nicotine product.
- c. Use a tobacco product, vapor product or alternative nicotine product.

- d. Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product, vapor product or alternative nicotine product.
- e. An individual who violates this Section is responsible for a civil infraction punishable by a fine of not more than \$50.00 for the first violation. For a second violation, an individual is responsible for a civil infraction punishable by a fine of not more than \$100.00. For a third or subsequent violation, an individual is guilty of a misdemeanor punishable by a fine of not more than \$300.00.

Section 4. FURNISHING TOBACCO PRODUCTS TO MINORS:

- a. A person shall not sell, offer to sell, give, or furnish a tobacco product, vapor product or alternative nicotine product to a person who is less than 18 years of age, including, but not limited to, through a vending machine.
- b. Before selling, offering for sale, giving, or furnishing a tobacco product, vapor product or alternative nicotine product to an individual, a person shall verify that the individual is at least 18 years of age by examining a government issued photographic identification that establishes that the individual is at least 18 years of age. This verification requirement does not apply to those persons that visually appear to be older than 25 years of age.
- c. A person who violates this Section is guilty of a misdemeanor punishable by a fine of not more than \$50.00 for the first violation. For a second violation, a person is guilty of a misdemeanor punishable by a fine of not more than \$150.00. For a third or subsequent violation, a person is guilty of a misdemeanor punishable by a fine of not more than \$500.00, or by imprisonment for a period of not more than 90 days, or by both such fine and imprisonment.

Section 5. SEVERABILITY: Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable and shall continue in full force and effect.

Section 6. ORDINANCE REPEAL: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 7. EFFECTIVE DATE: This ordinance shall be effective upon publication.

Adopted: December 8, 2015

Published: December 13, 2015

Effective: December 13, 2015



Nancy A. Waters, County Clerk 1/6/2016

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Muskegon County Board of Commissioners, Muskegon County, Michigan, at a regular meeting held on December 8, 2015, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267 of the Public Acts of Michigan of 1976, as amended.



Nancy A. Waters, County Clerk 1/6/2016