# CHARTER TOWNSHIP OF GENESEE GENESEE COUNTY, MICHIGAN ORDINANCE NO. 627

An Ordinance to amend Article IX of Ordinance No. 379 of the Charter Township of Genesee, Michigan, by adding Section 9.4 which prohibits a minor from purchasing or attempting to purchase a tobacco product or a vapor product or alternative nicotine product, from possessing or attempting to possess a tobacco product or a vapor product or alternative nicotine product, and from using a tobacco product or a vapor product or alternative nicotine product in a public place.

# THE CHARTER TOWNSHIP OF GENESEE, MICIDGAN ORDAINS:

**That Article IX of Ordinance No. 379 of the Charter Township of Genesee, Michigan, is hereby amended by adding a Section to be numbered 9.4, which said Section shall reads as follows:**

**Section 9.4** It shall be unlawful for a minor to

1. Purchase or attempt to purchase a tobacco product.
2. Possess or attempt to possess a tobacco product.
3. Use a tobacco product in a public place.
4. a.

Purchase or attempt to purchase a vapor product or alternative nicotine product.

* 1. Possess or attempt to possess a vapor product or alternative nicotine product.
  2. Use a vapor product or alternative nicotine product in a public place.

# Definitions

1. 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. Alternative nicotine product does not include a tobacco product, a vapor product, food, or a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360fff-7.

* 1. **"Minor"** means an individual who is less than 21 years of age.
  2. **"Public place"** means a public street, sidewalk, or park or any area open to the general public in a publicly owned or operated building or public place of business.
  3. **"Tobacco product"** means a product that contains tobacco and is intended for human consumption, including, but not limited to, a cigarette, 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 a cigar.

# "Use a tobacco product, vapor product, or alternative nicotine

**product"** means to smoke, chew, suck, inhale, or otherwise consume a tobacco product, vapor product, or alternative nicotine product.

1. **"Vapor product"** means a noncombustible product that employs 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 or any other substance, and the use or inhalation of which simulates smoking. 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 or other substance 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. Vapor product does

not include a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360fff-7.

**Penalty**

1. A person who violates subsection (1) or (2) is responsible for a civil infraction.
   1. For a first violation, the individual is responsible for a civil infraction and shall be fined not less than $100.00. The court may order the individual to participate in a health promotion and risk reduction assessment program, if available. In addition, the court may order the individual to perform not more than 16 hours of community service.
   2. For a second, or subsequent violation, the individual is responsible for a civil infraction and shall be fined not less than $100.00. The court may order the individual to participate in a health promotion and risk reduction assessment program, if available. In addition, the court may order the individual to perform not more than 32 hours of community service.
2. An individual who is ordered to participate in a health promotion and risk reduction assessment program under subsection (4) a or (4) bis responsible for the costs of participating in the program.
3. Subsections (1) and (2) do not apply to a minor participating in any of the following:
   1. An undercover operation in which the minor purchases or receives a tobacco product, vapor product, or alternative nicotine product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
   2. An undercover operation in which the minor purchases or receives a

tobacco product, vapor product, or alternative nicotine product under the direction of the state police or a local police agency as part of an

enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product, vapor product, or alternative nicotine product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation.

1. Subsections (1) and (2) do not apply to the handling or transportation of a tobacco product, vapor product, or alternative nicotine product by a minor under the terms of the minor's employment.
2. This act does not interfere with the right of a parent or legal guardian in the rearing and management of his or her minor children or wards within the bounds of his or her own private premises.
3. This section does not prohibit an individual from being charged with, convicted of, or sentenced for any other violation of law that arises out of the violation of subsection (1) or (2).

**Severability**

If any portion of this Ordinance shall be determined invalid or unconstitutional by a Court, the remainder shall be considered severable and shall remain in full force and effect.

**Publication**

This Ordinance shall be published in a newspaper circulated within the Charter Township of Genesee, Genesee County, Michigan.

**Effective Date**

This Ordinance shall take effect 30 days after its first publication.

**Certification**

We, the undersigned, being respectively the Township Supervisor and Township Clerk of Charter Township of Genesee, Genesee County, Michigan, do hereby certify that the above

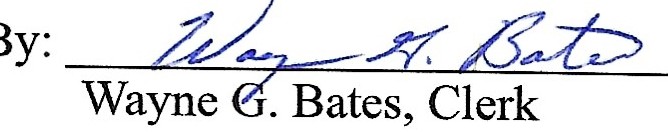
Ordinance was duly adopted by the Township Board of the Charter Township of Genesee, at which meeting a quorum was present.

Introduction: March 21, 2023 Charter Township of Genesee, Genesee County, Michigan

**By: *jlA•.Q*/-[:,.,/4---**

First publication: March 29, 2023

Adoption: April 11, 2023

Secondpublication: April 19, 2023

anielK. Eashoo, Supervisor