

# MICHIGAN LAWS RELATED TO TOBACCO USE

(By Category, Fall 2104)

## SMOKE-FREE AIR PROTECTION

### **Dr. Ron Davis Smoke-Free Air Law**

*([Public Act 188 of 2009](#)) Effective May 1, 2010.*

Prohibits smoking in all public places, including restaurants and bars. There are exemptions for the Detroit casinos and for some tobacco specialty retail shops and cigar bars.

### **Michigan Clean Indoor Air Act**

*([Public Act 198 of 1986, as amended](#))*

Restricts smoking to designated areas in publicly-owned buildings and certain private facilities; places stronger restrictions on child care centers and some health care facilities.

### **Smoking in Restaurants**

*([Public Act 242 of 1993](#)) Effective April 1, 1994)*

Requires restaurants with 50 seats or more to provide at least 50% nonsmoking seating. Restaurants with fewer than 50 seats and private clubs must provide a minimum of 25% nonsmoking seating.

### **Smoking in Grocery Stores**

*(Public Act 38 of 1976)*

Prohibits smoking in grocery stores; may have a designated smoking area for employees or the public on the premises.

### **Smoking in Elevators**

*([Public Act 227 of 1967](#))*

Prohibits smoking in elevators.

### **Smoking in Nursing Homes and Homes for the Aged**

*(Public Act 103 of 1976)*

Requires facilities to inquire about smoking status upon admission; prohibits staff smoking in patient rooms; requires a sign stating smoking is allowed only in designated areas; prohibits sale of tobacco on premises.

### **Tobacco-Free Schools**

*([Public Act 140 of 1993](#))*

Prohibits the use of tobacco in public school buildings at all times; tobacco use is allowed on school grounds after 6:00 p.m. on class days or at anytime on days when classes are not in session.

### **Smoking in Group and Family Day Care Homes**

*(Public Acts [211](#), [217](#), and [219](#) of 1993)*

Prohibits smoking in licensed group day care (7-12 children) and family daycare homes (1-6 children) during hours of operation.

## PROTECTING YOUTH FROM ACCESS TO TOBACCO

### **Michigan Youth Tobacco Act**

[\(Public Act 314 of 1988\)](#)

Prohibits the sale or distribution of tobacco products to minors; prohibits the possession of tobacco products by minors; requires retailers to post a sign warning against the sale of tobacco to minors.

### **Restrictions on Tobacco Vending Machines**

[\(Public Act 271 of 1992\)](#)

Prohibits placement of tobacco vending machines in places and locations open to minors; exemption for restaurants with Class C liquor licenses (with restrictions) and private clubs and workplaces not open to the public (with restrictions).

### **Ban on Sale of Single Cigarettes**

[\(Public Act 272 of 1992\)](#)

Prohibits the sale of cigarettes apart from their original packaging.

### **Restrictions on Free Tobacco Samples through the Mail**

[\(Public Act 273 of 1992\)](#)

Prohibits the distribution of tobacco at no cost through the mail unless it is part of a direct mail campaign in which the individual has signed an authorization card agreeing to receive the products

## REGULATIONS AND TAXES ON TOBACCO PRODUCTS

### **Tobacco Excise Taxes**

[\(Public Act 327 of 1993\)](#)

Levies a tax of 75 cents per pack on cigarettes (20 count); levies a tax of 16% of wholesale price on non-cigarette tobacco products; earmarks 6% of tobacco tax revenues for health purposes; preempts local ordinances on the sale or distribution of tobacco products.

[\(Public Act 503 of 2002\)](#)

Levies an additional 50 cents per pack on cigarettes (20 count) for a total of \$1.25; it increases the tax on other tobacco products (OTP) – excluding cigars, to 20% of the wholesale price.

[\(Public Act 164 of 2004\)](#)

Levies an additional tax of 75 cents per pack on cigarettes (20 count) for a total of \$2/pack; increases the tax on other tobacco products (OTP) – excluding cigars, to 32% of wholesale price.

### **Surgeon General's Warning on Smokeless Tobacco Billboards**

[\(Public Act 295 of 1988\)](#)

Requires smokeless tobacco billboards to carry the same Surgeon General warnings as required on smokeless tobacco packages.

**Tobacco Tax Stamp**

*([Public Act 187 of 1997](#)) Effective May 1, 1998. Amended April 2014.*

Requires that all tobacco products distributed and sold in the state, must carry a stamp indicating that a tax has been paid. The intent is that the tax is ultimately paid by the consumer of the tobacco product.

**Digital Tobacco Tax Stamp**

*([Public Act 188 of 2012](#))*

Transitions the wholesalers of tobacco products from heat-applied cigarette tax stamps to digital, pressure applied, cigarette tax stamps ("Digital Stamps").

**Tobacco Billboard Ban**

*([Public Act 464 of 1998](#)) Effective January 1, 2000*

Billboards advertising any tobacco product are prohibited on all roads and highways in Michigan.

**Tobacco Products Regulation**

*([Public Act 182 of 1999](#))*

Prevents the introduction of cigarettes into Michigan that were intended for foreign markets or were manufactured in other countries to be sold illegally in the United States.