



2109 Hamilton Rd  
Okemos, MI 48864  
[www.tobaccofreemichigan.org](http://www.tobaccofreemichigan.org)

## Tobacco Retailer Licensing (TRL) Talking Points

### Background:

- **Nearly 1 in 4 Michigan retailers sell to minors.** From 2015-2020, the Food and Drug Administration (FDA) issued nearly 4,500 fines, warning letters, and tobacco-no-sale orders to Michigan tobacco retailers for selling tobacco products to minors. In 2018, Michigan's retailer violation rate for sales to minors through FDA compliance inspections was 23.0%.
- **Michigan is one of only eight states that does not require any form of tobacco retail license.** Most states require licenses that cover both traditional tobacco products including cigarettes, cigars, and e-cigarettes. All of Michigan's neighbors require statewide tobacco retail licensure.
- **Reduces confusion.** In 2019, federal legislation raised the minimum legal sales age nationwide for all tobacco products, including e-cigarettes, to 21. Michigan law still sets the minimum sales age at 18. Sellers have to follow the federal law but until Michigan's age is changed only the FDA can enforce it.
- **PUP laws:** Michigan has some of the harshest minor purchase, use and possession laws in the nation. Effective TRL reduces youth accessibility, use, and initiation of tobacco with enforcement of restrictions against sales to minors reducing the need for purchase, use, or possession penalties which have little effect on tobacco usage rates.
- **Saves lives.** Over time, the prevention of youth initiation will result in lower healthcare costs and overall incidence of tobacco-related illness and death in Michigan.

### An Effective Tobacco Retail License:

- **Inclusive:** Defines "tobacco products" to capture all known and future tobacco products.
- **Updates age:** Prohibits the sale to persons under the age of 21.
- **Avoidance:** Establishes penalties, including future denial of license, for selling tobacco products without a license. Penalties and fines are imposed on the license holder without affirmative defenses.
- **Escalates:** Establishes a civil (not criminal) penalty structure for violations, including graduated monetary fines and mandatory license suspensions or revocations for repeated violations.
- **Enforced:** Mandates at least two unannounced compliance checks to be conducted at each licensed retailer every year, with mandatory follow-up checks within 3 months of a violation.
- **Funding:** Sets an annual license fee and allows it to be periodically adjusted. Fee should be adequate to cover license administration, education, training and enforcement. Excess fees should be allocated to prevention and cessation services.
- **Targeted:** Penalties and fines are imposed on the license holder and not the youth purchaser or non-management employee without affirmative defenses to avoid penalties.