



# MICHIGAN STATE POLICE LEGAL UPDATE

No. 152

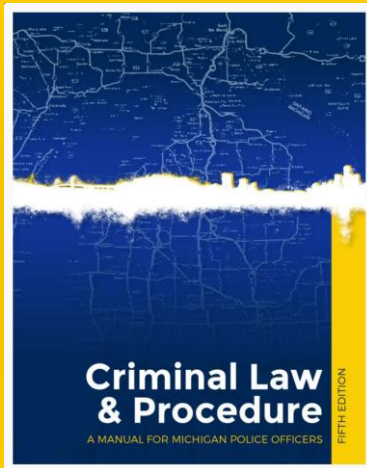
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## STATUTES

***The Youth Tobacco Act amended to prohibit the purchase or possession of tobacco products, vapor products, or alternative nicotine products by persons less than 21 years of age.***

Public Act 167 of 2022 amended the definition of a "minor" in the Youth Tobacco Act (YTA) to include any individual less than 21 years of age.

With the exception of outdated references to individuals less than "18 years old" that should now be read as individuals less than "21 years old," the more detailed information regarding the YTA found in [Legal Update No. 144](#) remains generally accurate.

### Definitions

The definitions of "alternative nicotine product," "vapor product," "tobacco product," and other terms used in the YTA are listed under [MCL 722.644](#). Officers should know "vapor products" include products producing vapor from nicotine or any other substance. [MCL 722.644\(h\)](#).

### Purchase, possession, or public use of "alternative nicotine products" and "vapor products" by persons less than 21 years of age

Under [MCL 722.642\(3\)](#), a person less than 21 years of age shall not do any of the following with respect to "alternative nicotine products" and "vapor products":

- Purchase or attempt to purchase.
- Possess or attempt to possess.
- "Use" in a "public place," as defined under [MCL 722.644\(g\)](#) and [MCL 722.644\(e\)](#), respectively.
- Present or offer false, fraudulent, or someone else's proof of age to purchase, possess, or attempt to purchase or possess.

A person less than 21 years of age who violates [MCL 722.642\(3\)](#) is responsible for a civil infraction. After two or more prior judgments, each subsequent violation is a misdemeanor punishable by a fine of \$50.00 for each violation. [MCL 722.642\(4\)](#).

### Purchase, possession, or public use of "tobacco products" by persons less than 21 years of age

Under [MCL 722.642\(1\)](#), a person less than 21 years of age shall not do any of the following with respect to "tobacco products" as defined under [MCL 722.644\(f\)](#):

- Purchase or attempt to purchase.
- Possess or attempt to possess.
- "Use" in a "public place," as defined under [MCL 722.644\(g\)](#) and [MCL 722.644\(e\)](#), respectively.
- Present or offer false, fraudulent, or someone else's proof of age to purchase, possess, or attempt to purchase or possess.

Officers should know the prohibited conduct and penalties under [MCL 722.642\(1\)](#) pertaining to "tobacco products," which now encompasses any individual less than 21 years of age, has not changed. As a result, a violation of [MCL 722.642\(1\)](#) remains a misdemeanor punishable by a fine of \$50.00 for each violation. [MCL 722.642\(2\)](#).

Additionally, the prohibited conduct under [MCL 722.642\(1\) and \(3\)](#) does not apply to individuals less than 21 years of age engaged in certain undercover operations or federal compliance checks or to handling or transporting the prohibited products pursuant to the terms of the minor's employment. [MCL 722.642\(6\), \(7\)](#).

*This update is published by the Michigan State Police, Legal Resources and Education Unit, and is provided for informational purposes only. Officers should contact their local prosecutor for an interpretation before applying the information contained in this update. Questions and comments may be directed to [MSPLegal@michigan.gov](mailto:MSPLegal@michigan.gov). Past editions can be found at [www.michigan.gov/msp-legal](http://www.michigan.gov/msp-legal).*