

CHARTER TOWNSHIP OF FLUSHING
GENESEE COUNTY, MICHIGAN
ORDINANCE NO. 2020- 01

AN ORDINANCE TO ADOPT, BY REFERENCE, THE MICHIGAN YOUTH TOBACCO ACT REGULATING THE USE OF TOBACCO PRODUCTS, VAPOR PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS BY MINORS; MAKING VIOLATIONS CIVIL INFRACTIONS OR MISDEMEANORS, AND ESTABLISHING PENALTIES UPON CONVICTION OF UP TO 90 DAYS IN JAIL AND/OR FINES UP TO \$2500; AND, TO ADD PROVISIONS REGULATING THE USE OF TOBACCO PRODUCTS, VAPOR PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS ON SCHOOL PROPERTY

THE TOWNSHIP OF FLUSHING ORDAINS:

In accordance with the authority granted charter townships pursuant to MCL 42.23, the Charter Township of Flushing adopts, by reference, the Youth Tobacco Act, as last amended by 2019 PA 18, MCL 722.641 through MCL 722.645, to be effective as an ordinance of the Charter Township of Flushing upon publication.

This ordinance shall be codified as part of the Charter Township of Flushing Criminal Code, designated Section 11 of Article VI, subsections 1 through 6.

Subsection 6. Regulation of Tobacco Products, Vapor Products and Alternative Nicotine Products on School Property or at School Sponsored Activities.

(a) Definitions. For purposes of this ordinance the following terms are defined as follows:

(i) School Property. School Property means the land, buildings and related facilities owned, rented or occupied by any public school, charter school, parochial school or private school located in Flushing Township and used in any school related function or activity.

(ii) School Sponsored Activity. School Sponsored Activity means any activity, including but not limited to field trips, athletic events, band events, recreational events of any type involving minor students, students, parents of students, teachers or other school staff which is sponsored, sanctioned, approved or permitted by a school, where one or more of the participants or attendees is a minor student, regardless of the location of the activity, including transportation to and from the activity.

(b) Prohibited Conduct.

(i) A student, regardless of age, while on School Property or while attending a School Sponsored Activity shall not sell, give, or furnish a tobacco product, vapor product, or alternative nicotine product to another student or minor.

(ii) A student, regardless of age, while on School Property or while attending a School Sponsored Activity shall not purchase or attempt to purchase, possess or attempt to possess, use or attempt to use a tobacco product, vapor product or alternative nicotine product.

(iii) A student who violates (b)(i) or (ii) is responsible for a civil infraction punishable as follows:

(A) For the first violation, the individual is responsible for a civil infraction and shall be fined not more than \$50. 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 perform not more than 16 hours of community service.

(B) For the second violation, the individual is responsible for a civil infraction and shall be fined not more than \$100. 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.

(C) If a violation occurs after 2 or more prior judgments, the individual is guilty of a misdemeanor punishable by a fine of not more than \$200 for each violation.

PASSED AND APPROVED BY THE CHARTER TOWNSHIP OF FLUSHING BOARD ON THE _____ DAY OF _____, 2020.

Frederick Thorsby, Supervisor

Attest:

Wendy Meinburg, Township Clerk

First reading: February 13, 2020
Adopted: _____