

ORDINANCE NO. 22-02

AN ORDINANCE TO AMEND CHAPTER 155, ARTICLE III, ENTITLED “TOBACCO PRODUCTS” OF THE GROSSE ILE TOWNSHIP CODE TO EXPAND THE PROHIBITIONS AGAINST MINORS USING TOBACCO TO INCLUDE ALTERNATIVE NICOTINE, TOBACCO, AND VAPOR PRODUCTS, AND TO PROHIBIT THE SALE OF TOBACCO AND ALTERNATIVE NICOTINE, TOBACCO AND VAPOR PRODUCTS TO MINORS.

GROSSE ILE TOWNSHIP ORDAINS:

SECTION 1. AMENDMENT TO CODE:

Chapter 155, Article III entitled “Tobacco Products” shall be revised to read as follows:

§155-11 Definition.

For purposes of this Article:

“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 U.S.C. 351 to 360fff-7

“Minor” shall mean an individual under 21 years of age.

“Tobacco product” shall mean a product that contains tobacco and is intended for human consumption, including, but not limited to, noncigarettes smoking tobacco or smokeless tobacco, as those terms are defined in Section 2 of the Tobacco Products Act, Public Act No. 327 of 1993 (MCL 205.433), and cigars.

“Vapor product” shall mean a noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can used to produce vapor from nicotine in a solution or other form. Vapor product includes an electronic cigarette, electronic cigar, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, or similar product or device. Vapor product includes e-liquid or e-juice and vapes or vape pens or other similar item that could be used for inhaling or exhaling vaping ingredients or cannabis (THC).

§155-12 Prohibition.

No person under the age of twenty-one (21) years of age shall purchase, or attempt to purchase, or have in their possession or use tobacco or any tobacco product, vapor product or alterative nicotine product.

§155-13 Sale to minors.

A person shall not sell, give or furnish tobacco, or any tobacco product, vapor product or alterative nicotine product to a minor.

§155-14 Use on school property.

A person who is twenty-one (21) years of age or older shall not use or possess tobacco, or any tobacco product, vapor product or alterative nicotine product on school property as follows;

- A. During regularly scheduled school hours, or
- B. During school events, activities or when students are present, or
- C. While a driver or passenger of a Township of Grosse Ile school district bus.

§155-15 Penalty.

Any person who violates this article shall be responsible for a municipal civil infraction or guilty of a misdemeanor as follows:

- A. For a first offense, the individual is responsible for a municipal civil infraction and subject to a fine of not more than Fifty (\$50.00) Dollars. For a violation of sec. 155-12, 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.
- B. For a second offense, the individual is responsible for a municipal civil infraction and subject to a fine of not more than One Hundred (\$100.00) Dollars. For a violation of sec. 155-12, 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.
- C. For a third offense, the individual is guilty of a misdemeanor and subject to a fine of not more than Two Hundred and Fifty (\$250.00) Dollars. For a violation of sec. 155-12, 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.

An individual who is ordered to participate in a health promotion and risk reduction assessment program under this subsection is responsible for the costs of participating in the program.

**§155-16 Exemption.**

**This Article shall not apply to minors participating in an undercover operation in which the minor obtains or attempts to obtain tobacco, or any tobacco product, vapor product or alternative nicotine product at the direction of law enforcement during the course of the minor's employment.**

**SECTION 2. REPEAL OF CONFLICTING PROVISIONS**

All resolutions, ordinances, or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

**SECTION 3. SEVERABILITY**

If any section, paragraph, clause, or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 4. EFFECTIVE DATE**

This Ordinance or a summary of this Ordinance shall be published in a newspaper of general circulation in the Township of Grosse Ile within fifteen (30) days after its adoption.

**SECTION 5. EFFECTIVE DATE**

This Ordinance shall take effect 30 days after first publication, as provided by law.

**ENACTMENT**

This ordinance is declared to have been enacted by the Board of Trustees of Grosse Ile Township at a meeting called and held on the 13<sup>th</sup> day of February, 2023.

Ayes: Supervisor Budny, Clerk O'Connor, Treasurer Nadeau, Trustees Bloetscher, de Beausset, Porcarelli and Yager

Nays: None

Abstentions: None

Absent: None

**Certification**

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF WAYNE     )

I, the undersigned Clerk of Grosse Ile Township, Wayne County, Michigan, do certify that the foregoing is a true and complete copy of the ordinance adopted by the Board of Trustees of Grosse Ile Township at a meeting held on the 13<sup>th</sup> day of February, 2023, the original of which is on file in my office.

GROSSE ILE TOWNSHIP

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By: Ute O'Connor  
Township Clerk

Effective Date: March 9, 2023