

CITY OF ST. JOHNS

ORDINANCE NO. 707

AN ORDINANCE TO ADD SECTION 138.03 AND ADOPT THE OFFENSES OF MINOR IN POSSESSION OF ALTERNATIVE NICOTINE OR VAPOR PRODUCTS, FURNISHING ALTERNATIVE NICOTINE OR VAPOR PRODUCTS TO A MINOR, AND USE OF FRAUDULENT IDENTIFICATION BY A MINOR

THE CITY OF ST. JOHNS ORDAINS:

Section 1. Amendment to Title XIII: General Offenses, Chapter 138: Minors. The City amends Title XIII: General Offenses, Chapter 138: Minors by adding Section 138.03 to read as follows:

“138.03 Use, purchase, or possession of alternative nicotine products or vapor products; selling, giving, or furnishing alternative nicotine or vapor products to minors; misrepresentation of age, fraudulent identification prohibited.

(A) It shall be unlawful for any person under twenty-one (21) years of age to:

- (1) Purchase or attempt to purchase alternative nicotine products or vapor products;
- (2) Possess or attempt to possess alternative nicotine products or vapor products;
- (3) Use an alternative nicotine product or vapor product in a public place;
- (4) Present or offer to an individual purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a vapor product or alternative nicotine product.

(B) It shall be unlawful for any person to sell, give, or furnish an alternative nicotine product or vapor product to any person under twenty-one (21) years of age.

(C) An individual who violates subsection (a) shall be responsible for a civil infraction or a misdemeanor as follows:

- (1) For the first violation, the individual is responsible for a civil infraction and shall be fined not more than fifty dollars (\$50.00). The court may order the individual to participate in a health promotion and risk reduction assessment program, if available. In

addition, the court may also order the individual to perform not more than sixteen (16) hours of community service.

(2) For the second violation, the individual is responsible for a civil infraction and shall be fined not more than fifty dollars (\$50.00). The court may order the individual to participate in a health promotion and risk reduction assessment program, if available. In addition, the court may also order the individual to perform not more than thirty-two (32) hours of community service.

(3) If a violation of subsection (a) occurs after two (2) or more prior judgments, the individual is guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) for each violation. Pursuant to a probation order, the court may also require the individual to participate in a health promotion and risk reduction assessment program, if available. In addition, the court may also order the individual to perform not more than forty-eight (48) hours of community service.

(D) An individual who violates subsection (B) is guilty of a misdemeanor punishable by a fine as follows:

(1) For a first offense, not more than one hundred dollars (\$100.00);

(2) For a second or subsequent offense, not more than five hundred dollars (\$500.00);

(E) As used in this section, '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;

(F) As used in this section, 'vapor product' means a noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes, but is not limited to, an electronic cigarette, electronic cigarillo, 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 cigarillo, electronic pipe, or similar product or device."

State Law reference— MCL 722.641, MCL 722.642

Section 2. Validity and Severability

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 3. Repealer

Any ordinances or parts of ordinances in conflict herewith are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 4. Effective Date

This Ordinance shall become effective twenty (20) days after final approval is published in a newspaper of general circulation within the City.

YEAS: Hufnagel, Gurski, Dzurka, DeLiso

NAYS: Hyzer

ABSTAIN: None

ABSENT: None

CERTIFICATION As the duly elected Mayor and Clerk of the City of St. Johns, Clinton County, Michigan, we certify that this is a true and complete copy of an ordinance adopted by the St. Johns City Commission at a regular meeting held on December 8, 2025.

Scott Dzurka, Mayor

Mindy J. Seavey, Clerk

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