1	Senate Bill No. 31
2	(By Senators K. Facemyer and D. Facemire)
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4	[Introduced January 12, 2011; referred to the Committee on the
5	Judiciary.]
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10	A BILL to amend and reenact $\$16-9A-3$ of the Code of West Virginia,
11	1931, as amended, relating to increasing the penalties for use
12	or possession of tobacco or tobacco products by a person under
13	eighteen years of age; increasing fines and community service
14	requirements; and providing, upon a second offense, for
15	revocation of the person's junior or graduated driver's
16	license until the minor attains eighteen years of age or if
17	the person does not yet have a driver's license, the person is
18	ineligible to apply for any type of driver's license until the
19	minor attains eighteen years of age.
20	Be it enacted by the Legislature of West Virginia:
21	That §16-9A-3 of the Code of West Virginia, 1931, as amended,
22	be amended and reenacted to read as follows:

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1 ARTICLE 9A. TOBACCO USAGE RESTRICTIONS.

2 §16-9A-3. Use or possession of tobacco or tobacco products by 3 persons under the age of eighteen years; penalties. No A person under the age of eighteen years shall may not have 4 5 on or about his or her person or premises or use any cigarette, or 6 cigarette paper or any other paper prepared, manufactured or made 7 for the purpose of smoking any tobacco products, in any form; or, 8 any pipe, snuff, chewing tobacco or tobacco product: Provided, 9 That minors participating in the inspection of locations where 10 tobacco products are sold or distributed pursuant to section seven 11 of this article is not considered to violate the provisions of this 12 section. Any person violating the provisions of this section shall 13 for the first violation be fined  $\frac{50}{50}$  \$100 and be required to serve 14 eight forty hours of community service; for a second violation, the 15 person shall be fined \$100 \$150 and be required to serve sixteen 16 sixty hours of community service; and for a third and each 17 subsequent violation, the person shall be fined \$200 and be 18 required to serve twenty-four hours of community service have his 19 or her junior or graduated driver's license revoked until the minor 20 attains eighteen years of age, or if the person does not have a 21 junior or graduated driver's license, he or she is ineligible to 22 apply for any type of driver's license until the minor attains

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1 <u>eighteen years of age</u>. Notwithstanding the provisions of section
2 two, article five, chapter forty-nine, the magistrate court has
3 concurrent <u>juvenile</u> jurisdiction <u>with circuit courts for</u>
4 enforcement actions brought under this section.

NOTE: The purpose of this bill is to increase the penalties for use or possession of tobacco or tobacco products by a person under eighteen years of age. The bill increases fines and community service requirements, and upon a second offense, provides for revocation of the person's junior or graduated driver's license until the minor attains eighteen years of age, or if the person does not yet have a junior or graduated driver's license, the person is ineligible to apply for any type of driver's license until the minor attains eighteen years of age.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.