



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.**

4 ~~No~~ A person under the age of eighteen years ~~shall~~ may not have  
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 ~~\$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

1 eighteen years of age. Notwithstanding the provisions of section  
2 two, article five, chapter forty-nine, the magistrate court has  
3 concurrent juvenile jurisdiction with circuit courts for  
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.