

25 (3) 'Cigarette' means roll for smoking made wholly or in part of tobacco when the cover
26 of the roll is paper or any substance other than tobacco.

27 (4) 'Community service' means a public service which ~~a minor~~ an individual under the
28 age of 21 years might appropriately be required to perform, as determined by the court,
29 as punishment for certain offenses provided for in this article.

30 ~~(5) 'Minor' means any person who is under the age of 18 years.~~

31 ~~(6)~~(5) 'Person' means any natural person or any firm, partnership, company, corporation,
32 or other entity.

33 ~~(7)~~(6) 'Proper identification' means any document issued by a governmental agency
34 containing a description of the ~~person~~ individual, such ~~person's~~ individual's photograph,
35 or both, and giving such ~~person's~~ individual's date of birth and includes, without being
36 limited to, a passport, military identification card, driver's license, or an identification
37 card authorized under Code Sections 40-5-100 through 40-5-104. Proper identification
38 shall not include a birth certificate.

39 ~~(8)~~(7) 'Tobacco product' means any cigars, little cigars, granulated, plug cut, crimp cut,
40 ready rubbed, and other smoking tobacco; snuff or snuff powder; cavendish; plug and
41 twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings,
42 cuttings, and sweepings of tobacco; and other kinds and forms of tobacco, prepared in
43 such a manner as to be suitable for chewing or smoking in a pipe or otherwise, or both
44 for chewing and smoking. Such term ~~The term 'tobacco product'~~ shall not include any
45 alternative nicotine product, vapor product, or product regulated as a drug or device by
46 the United States Food and Drug Administration under Chapter V of the Food, Drug, and
47 Cosmetic Act.

48 ~~(9)~~(8) 'Tobacco related objects' means any papers, wrappers, or other products, devices,
49 or substances, including cigar wraps, which are used for the purpose of making cigarettes
50 or tobacco products in any form whatsoever.

51 ~~(10)~~(9) 'Vapor product' means any noncombustible product containing nicotine that
52 employs a heating element, power source, electronic circuit, or other electronic, chemical,
53 or mechanical means, regardless of shape or size, that can be used to produce vapor or
54 aerosol from nicotine or other substances in a solution or other form. Such term ~~The term~~
55 ~~'vapor product'~~ shall include, but shall not be limited to, any electronic cigarette,
56 electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any
57 vapor or aerosol cartridge or other container of nicotine or other substance in a solution
58 or other form, including, but not limited to, a device component, part, or accessory of the
59 device, that is intended to be used with or in an electronic cigarette, electronic cigar,
60 electronic cigarillo, electronic pipe, or similar product or device. Such term ~~The term~~
61 ~~'vapor product'~~ shall not include any product regulated as a drug or device by the United

62 States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic
63 Act.

64 16-12-171.

65 (a)(1) It shall be unlawful for any person knowingly to:

66 (A) Sell or barter, directly or indirectly, any cigarettes, tobacco products, tobacco
67 related objects, alternative nicotine products, or vapor products to ~~a minor~~ any
68 individual under the age of 21 years;

69 (B) Purchase any cigarettes, tobacco products, tobacco related objects, alternative
70 nicotine products, or vapor products for any ~~minor unless the minor for whom the~~
71 ~~purchase is made is the child of the purchaser~~ individual under the age of 21 years; or

72 (C) Advise, counsel, or compel any ~~minor~~ individual under the age of 21 years to
73 smoke, inhale, chew, or use cigarettes, tobacco products, tobacco related objects,
74 alternative nicotine products, or vapor products.

75 (2)(A) The prohibition contained in paragraph (1) of this subsection shall not apply
76 with respect to sale of cigarettes, tobacco products, tobacco related objects, alternative
77 nicotine products, or vapor products by a person when such person has been furnished
78 with proper identification showing that the ~~person~~ individual to whom the cigarettes,
79 tobacco products, tobacco related objects, alternative nicotine products, or vapor
80 products are sold is ~~18~~ 21 years of age or older.

81 (B) In any case ~~where~~ when a reasonable or prudent person could reasonably be in
82 doubt as to whether or not the ~~person~~ individual to whom cigarettes, tobacco products,
83 tobacco related objects, alternative nicotine products, or vapor products are to be sold
84 or otherwise furnished is actually ~~18~~ 21 years of age or older, it shall be the duty of the
85 person selling or otherwise furnishing such cigarettes, tobacco products, tobacco related
86 objects, alternative nicotine products, or vapor products to request to see and to be
87 furnished with proper identification as provided for in subsection (b) of this Code
88 section in order to verify the age of such ~~person~~ individual. The failure to make such
89 request and verification in any case ~~where the person~~ when the individual to whom the
90 cigarettes, tobacco products, tobacco related objects, alternative nicotine products, or
91 vapor products are sold or otherwise furnished is less than ~~18~~ 21 years of age may be
92 considered by the trier of fact in determining whether the person selling or otherwise
93 furnishing such cigarettes, tobacco products, tobacco related objects, alternative
94 nicotine products, or vapor products did so knowingly.

95 (3) Any person ~~who~~ that violates this subsection shall be guilty of a misdemeanor.

96 (b)(1) It shall be unlawful for any ~~minor~~ individual under the age of 21 years to:

97 (A) Purchase, attempt to purchase, or possess for personal use any cigarettes, tobacco
 98 products, tobacco related objects, alternative nicotine products, or vapor products. ~~This~~
 99 ~~subparagraph shall not apply to possession of cigarettes, tobacco products, tobacco~~
 100 ~~related objects, alternative nicotine products, or vapor products by a minor when a~~
 101 ~~parent or guardian of such minor gives the cigarettes, tobacco products, tobacco related~~
 102 ~~objects, alternative nicotine products, or vapor products to the minor and possession is~~
 103 ~~in the home of the parent or guardian and such parent or guardian is present; or~~

104 (B) Misrepresent such minor's his or her identity or age or use any false identification
 105 for the purpose of purchasing or procuring any cigarettes, tobacco products, tobacco
 106 related objects, alternative nicotine products, or vapor products.

107 (2) An individual under the age of 21 years ~~A minor~~ who commits an offense provided
 108 for in paragraph (1) of this subsection ~~may or paragraph (1) of subsection (c) of this Code~~
 109 ~~section shall~~ be punished as follows:

110 (A) By requiring the performance of community service not exceeding 20 hours that
 111 may be related to the awareness of the health hazards of smoking and vaping or tobacco
 112 and vapor product use;

113 (B) By requiring attendance at a publicly or privately sponsored lecture or discussion
 114 on the health hazards of smoking and vaping or tobacco and vapor product use,
 115 provided that such lecture or discussion is offered without charge to the ~~minor~~
 116 individual under the age of 21 years;

117 (C) When an individual under the age of 21 years fails to comply with such imposed
 118 community service, or for a third or subsequent violation within the same calendar year
 119 as the first violation, by requiring the Department of Driver Services to withhold
 120 issuance of or to suspend the driver's license or driving privilege of such individual for
 121 a period of 45 consecutive days; or

122 ~~(D)~~ By a combination of the punishments described in subparagraphs (A) ~~and (B)~~
 123 through (C) of this paragraph.

124 (c)(1) It shall be unlawful for any individual to knowingly use a vapor product within a
 125 school safety zone. As used in this subsection the term 'school safety zone' shall have the
 126 same meaning as provided in Code Section 16-11-127.1.

127 (2) Any individual who is 21 years of age or older who commits the offense provided for
 128 in paragraph (1) of this subsection shall be guilty of a misdemeanor; provided, however,
 129 that for a conviction of a first offense, such individual shall be punished by a fine of
 130 \$25.00 and for a conviction of a second offense, such individual shall be punished by a
 131 fine of \$50.00. The provisions of Chapter 11 of Title 17 and any other provision of law
 132 to the contrary notwithstanding, the costs of any prosecution for such first or second

133 offense shall not be taxed nor shall any additional penalty, fee, or surcharge to a fine for
 134 such offense be assessed against an individual for conviction thereof.

135 (3) Any vapor product used in violation of paragraph (1) of this subsection is declared
 136 to be contraband, and no person shall have a property right in it. In addition to persons
 137 authorized to seize property pursuant to Code Section 9-16-6, property which is subject
 138 to forfeiture under this subsection may be seized by any special agent or enforcement
 139 officer of the state revenue commissioner. Any property which is subject to forfeiture
 140 under this subsection shall be forfeited in accordance with the procedures set forth in
 141 Chapter 16 of Title 9.

142 16-12-172.

143 (a) Any person owning or operating a place of business in which cigarettes, tobacco
 144 products, ~~or~~ tobacco related objects, alternative nicotine products, or vapor products are
 145 sold or offered for sale shall post in a conspicuous place a sign which shall contain the
 146 following statement:

147 'SALE OF CIGARETTES, TOBACCO, TOBACCO PRODUCTS, TOBACCO
 148 RELATED OBJECTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR
 149 PRODUCTS TO ~~PERSONS~~ INDIVIDUALS UNDER ~~18~~ 21 YEARS OF AGE IS
 150 PROHIBITED BY LAW.'

151 Such sign shall be printed in letters of at least one-half inch in height.

152 (b) Any person ~~who~~ that fails to comply with the requirements of subsection (a) of this
 153 Code section shall be guilty of a misdemeanor.

154 16-12-173.

155 (a)(1) Any person ~~who~~ that maintains in such person's place of business a vending
 156 machine which dispenses cigarettes, tobacco products, tobacco related objects, alternative
 157 nicotine products, or vapor products shall place or cause to be placed in a conspicuous
 158 place on such vending machine a sign containing the following statement:

159 'THE PURCHASE OF CIGARETTES, TOBACCO PRODUCTS, TOBACCO
 160 RELATED OBJECTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR
 161 PRODUCTS FROM THIS VENDING MACHINE BY ANY ~~PERSON~~ INDIVIDUAL
 162 UNDER ~~18~~ 21 YEARS OF AGE IS PROHIBITED BY LAW.'

163 (2) Any person ~~who~~ that maintains in such person's place of business a vending machine
 164 which dispenses cigarettes, tobacco products, tobacco related objects, alternative nicotine
 165 products, or vapor products shall not dispense any other type of product, other than
 166 matches, in such vending machine.

167 (b) Any person ~~who~~ that fails to comply with the requirements of subsection (a) of this
 168 Code section shall be guilty of a misdemeanor; provided, however, that for a first offense,
 169 the sentence shall be a fine not to exceed \$300.00.

170 (c) It shall be a violation of subsection (a) of Code Section 16-12-171 for any person
 171 knowingly to allow ~~a minor~~ an individual under the age of 21 years to operate a vending
 172 machine which dispenses cigarettes, tobacco products, tobacco related objects, alternative
 173 nicotine products, or vapor products.

174 (d) The offenses provided for by paragraph (1) of subsection (b) of Code Section
 175 16-12-171 shall apply to the operation by ~~a minor~~ an individual under the age of 21 years
 176 of a vending machine which dispenses cigarettes, tobacco products, tobacco related objects,
 177 alternative nicotine products, or vapor products.

178 (e)(1) The sale or offering for sale of cigarettes, tobacco products, tobacco related
 179 objects, alternative nicotine products, or vapor products from vending machines shall not
 180 be permitted except:

181 (A) In locations which are not readily accessible to ~~minors~~ individuals under the age
 182 of 21 years, including, but not limited to:

183 (i) Factories, businesses, offices, and other places which are not open to the general
 184 public;

185 (ii) Places open to the general public which do not admit ~~minors~~ individuals under
 186 the age of 21 years; and

187 (iii) Places where alcoholic beverages are offered for sale;

188 (B) In areas which are in the immediate vicinity, in plain view, and under the
 189 continuous supervision of the proprietor of the establishment or an employee who will
 190 observe the purchase of cigarettes, tobacco products, tobacco related objects, alternative
 191 nicotine products, and vapor products from the vending machine; and

192 (C) In rest areas adjacent to roads and highways of the state.

193 (2) Violation of this subsection shall be punished as provided in subsection (b) of this
 194 Code section ~~for violation of subsection (a) of this Code section.~~

195 16-12-174.

196 (a) As used in this Code section, the term 'tobacco product sample' means a cigarette,
 197 tobacco product, alternative nicotine product, or vapor product distributed to members of
 198 the general public at no cost for purposes of promoting the product.

199 (b) It shall be unlawful for any person to distribute any tobacco product sample to any
 200 ~~person~~ individual under the age of ~~18~~ 21 years.

201 (c) A person distributing tobacco product samples shall require proof of age from a
 202 prospective recipient if an ordinary person would conclude on the basis of appearance that
 203 such prospective recipient may be under the age of ~~18~~ 21 years.

204 (d) It shall be unlawful for any ~~person~~ individual who has not attained the age of ~~18~~ 21
 205 years to receive or attempt to receive any tobacco product sample.

206 (e) No person shall distribute tobacco product samples on any public street, sidewalk, or
 207 park within 500 feet of any school or playground when those facilities are being used
 208 primarily by ~~persons~~ individuals under the age of ~~18~~ 21 years.

209 (f) ~~A violation of subsection (b), (c), or (e)~~ Violation of this Code section shall be punished
 210 as a misdemeanor. A violation of subsection (d) of this Code section shall be punished as
 211 provided for in paragraph (2) of subsection (b) of Code Section 16-12-171.

212 16-12-175.

213 (a) The provisions of this article, inclusive, shall be enforced through actions brought in
 214 any court of competent jurisdiction by the prosecuting attorney for the county in which the
 215 alleged violation occurred as well as through administrative citations issued by special
 216 agents or enforcement officers of the state revenue commissioner. Any fine collected for
 217 a violation of said provision shall be paid to the clerk of the court of the jurisdiction in
 218 which the violation occurred. Upon receipt of a fine for any violation of said provision, the
 219 clerk shall promptly notify the state revenue commissioner of the violation.

220 (b) The state revenue commissioner, acting through special agents or enforcement officers,
 221 shall annually conduct random, unannounced inspections at locations where cigarettes,
 222 tobacco products, alternative nicotine products, or vapor products are sold or distributed
 223 to ensure compliance with this article. Individuals ~~Persons~~ under the age of ~~18~~ 21 years
 224 may be enlisted to test compliance with this article; provided, however, that such ~~persons~~
 225 individuals may be used to test compliance with this article only if the testing is conducted
 226 under the direct supervision of such special agents or enforcement officers and written
 227 parental consent for any individual under the age of 18 years has been provided. Any other
 228 use of ~~persons~~ individuals under the age of ~~18~~ 21 years to test compliance with this article
 229 or any other prohibition of like or similar import shall be unlawful, and the person or
 230 persons responsible for such use shall be subject to the penalties prescribed in this article.
 231 The state revenue commissioner shall prepare annually for submission by the Governor to
 232 the secretary of the United States Department of Health and Human Services the report
 233 required by ~~section 1926 of subpart I of part~~ Section 1926 of Subpart I of Part B of Title
 234 XIX of the federal Public Health Service Act, 42 U.S.C. 300x-26.

235 16-12-176.

236 The state revenue commissioner shall administer and enforce this article and may make
237 reasonable rules and regulations for its administration and enforcement. The state revenue
238 commissioner may designate employees of the Department of Revenue for the purpose of
239 administering and enforcing this article and may delegate to employees of such department
240 any of the duties required of the state revenue commissioner pursuant to this article."

241 **SECTION 2.**

242 This Act shall become effective upon its approval by the Governor or upon its becoming law
243 without such approval.

244 **SECTION 3.**

245 All laws and parts of laws in conflict with this Act are repealed.