

Concept for consideration from the Tobacco Industry:

13-3622. Furnishing of tobacco product or tobacco or shisha instruments or paraphernalia to minor; minor accepting or receiving tobacco product or tobacco or shisha instruments or paraphernalia; illegally obtaining tobacco product or tobacco or shisha instruments or paraphernalia by underage person; classification; definitions

A. A person who knowingly sells, gives or furnishes a tobacco product or any instrument or paraphernalia that is solely designed for the smoking or ingestion of tobacco or shisha, including a hookah or waterpipe, to a minor is guilty of a petty offense.

B. A minor who buys, or has in his possession or knowingly accepts or receives from any person, a tobacco product or any instrument or paraphernalia that is solely designed for the smoking or ingestion of tobacco or shisha, including a hookah or waterpipe, is guilty of a petty offense, and if the offense involves any instrument or paraphernalia that is solely designed for the smoking or ingestion of tobacco or shisha, shall pay a fine of not less than one hundred dollars or perform not less than thirty hours of community restitution.

C. A minor who misrepresents the minor's age to any person by means of a written instrument of identification with the intent to induce the person to sell, give or furnish a tobacco product or any instrument or paraphernalia that is solely designed for the smoking or ingestion of tobacco or shisha, including a hookah or waterpipe, in violation of subsection A or B of this section is guilty of a petty offense and, notwithstanding section 13-802, shall pay a fine of not more than five hundred dollars.

D. This section does not apply to any of the following:

1. Cigars, cigarettes or cigarette papers, smoking or chewing tobacco or any instrument or paraphernalia that is solely designed for the smoking or ingestion of tobacco or shisha, including a hookah or waterpipe, if it is used or intended to be used in connection with a bona fide practice of a religious belief and as an integral part of a religious or ceremonial exercise.

2. Any instrument or paraphernalia that is solely designed for the smoking or ingestion of tobacco or shisha, including a hookah or waterpipe, that is given to or possessed by a minor if the instrument or paraphernalia was a gift or souvenir and is not used or intended to be used by the minor to smoke or ingest tobacco or shisha.

E. For the purposes of this section:

1. "Shisha" includes any mixture of tobacco leaf and honey, molasses or dried fruit or any other sweetener.

2. "Tobacco product" means any of the following:

(a) Cigars.

(b) Cigarettes.

(c) Cigarette papers of any kind.

(d) Smoking tobacco of any kind.

(e) Chewing tobacco of any kind.

(F) ELECTRONIC CIGARETTE