

REFERENCE TITLE: tobacco products; identification; education

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1437

Introduced by
Senators Pesquiera, Aguirre, Arzberger: Representative Sinema

AN ACT

AMENDING TITLE 36, CHAPTER 6, ARTICLE 14, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 36-798.06 AND 36-798.07; RELATING TO TOBACCO SALES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 36, chapter 6, article 14, Arizona Revised Statutes,
3 is amended by adding sections 36-798.06 and 36-798.07, to read:
4 36-798.06. Proof of age; tobacco products; civil penalty;
5 definition
6 A. A RETAIL TOBACCO VENDOR WHO IS ENGAGED IN THE SALE OR DISTRIBUTION
7 OF CIGARS, CIGARETTES, CIGARETTE PAPERS, SMOKING TOBACCO, SMOKELESS TOBACCO
8 OR CHEWING TOBACCO SHALL REQUIRE PROOF OF AGE FROM A PROSPECTIVE PURCHASER OR
9 RECIPIENT OF A CIGAR, CIGARETTE, CIGARETTE PAPERS, SMOKING TOBACCO, SMOKELESS
10 TOBACCO OR CHEWING TOBACCO IF AN ORDINARY PERSON WOULD CONCLUDE ON THE BASIS
11 OF APPEARANCE THAT THE PROSPECTIVE PURCHASER OR RECIPIENT MAY BE UNDER
12 TWENTY-SEVEN YEARS OF AGE.
13 B. A RETAIL TOBACCO VENDOR WHO VIOLATES THIS SECTION IS SUBJECT TO A
14 CIVIL PENALTY AS FOLLOWS:
15 1. AT LEAST THREE HUNDRED DOLLARS FOR A FIRST VIOLATION.
16 2. AT LEAST FOUR HUNDRED DOLLARS FOR A SECOND VIOLATION.
17 3. AT LEAST FIVE HUNDRED DOLLARS FOR A THIRD OR SUBSEQUENT VIOLATION.
18 C. THE COURT IMPOSING AND COLLECTING THE CIVIL PENALTY SHALL DEPOSIT,
19 PURSUANT TO SECTIONS 35-146 AND 35-147, THE MONIES IN THE YOUTH TOBACCO
20 EDUCATION FUND ESTABLISHED BY SECTION 36-798.07.
21 D. FOR THE PURPOSES OF THIS SECTION, "PROOF OF AGE" MEANS A DRIVER
22 LICENSE OR OTHER GENERALLY ACCEPTED MEANS OF IDENTIFICATION THAT DESCRIBES
23 THE PERSON AS AT LEAST EIGHTEEN YEARS OF AGE, THAT CONTAINS A PHOTOGRAPH OR
24 OTHER LIKENESS OF THE PERSON AND THAT APPEARS ON ITS FACE TO BE VALID.
25 36-798.07. Youth tobacco education fund; exemption
26 A. THE YOUTH TOBACCO EDUCATION FUND IS ESTABLISHED CONSISTING OF CIVIL
27 PENALTIES COLLECTED PURSUANT TO SECTION 36-798.06, LEGISLATIVE
28 APPROPRIATIONS, GIFTS, GRANTS AND DONATIONS. MONIES IN THE FUND ARE
29 CONTINUOUSLY APPROPRIATED.
30 B. THE DEPARTMENT OF HEALTH SERVICES SHALL ADMINISTER THE FUND AND
31 SPEND MONIES IN THE FUND FOR DEVELOPING AND DELIVERING EDUCATION PROGRAMS
32 THAT ARE DESIGNED TO PREVENT OR REDUCE TOBACCO USE BY CHILDREN.
33 C. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
34 RELATING TO THE LAPSING OF APPROPRIATIONS.