

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 159

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO TOBACCO; AMENDING SECTION 39-5703, IDAHO CODE, TO REVISE A PRO-
2 VISION RELATING TO SELLING OR DISTRIBUTING TOBACCO PRODUCTS, TO PROVIDE
3 THAT CERTAIN TOBACCO VIOLATIONS BY A MINOR SHALL BE AN INFRACTION AND TO
4 REVISE PENALTIES.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 39-5703, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 39-5703. POSSESSION, DISTRIBUTION OR USE BY A MINOR. (1) It shall be
10 unlawful for a minor to possess, receive, purchase, ~~sell, distribute,~~ use or
11 consume tobacco products or electronic cigarettes or to attempt any of the
12 foregoing.

13 (2) It shall be unlawful for a minor to sell or distribute tobacco prod-
14 ucts or electronic cigarettes or to attempt either of the foregoing.

15 (3) It shall be unlawful for a minor to provide false identification, or
16 make any false statement regarding their age in an attempt to obtain tobacco
17 products or electronic cigarettes.

18 (34) A minor who is assisting with a random unannounced inspection in
19 accordance with this chapter shall not be in violation of this chapter.

20 (45) A minor may possess but not sell or distribute tobacco products or
21 electronic cigarettes in the course of employment, for duties such as stock-
22 ing shelves or carrying purchases to customers' vehicles.

23 (56) Penalties for violations by a minor. A violation of subsection (1)
24 of this section by a minor shall constitute an infraction and shall be pun-
25 ishable by a fine of seventeen dollars and fifty cents (\$17.50). The first
26 violation of subsection (2) or (3) of this section by a minor shall consti-
27 tute an infraction and shall be punishable by a fine of two hundred dollars
28 (\$200). A subsequent violation of subsection (2) or (3) of this ~~chapter~~
29 section by a minor shall constitute a misdemeanor and shall be punishable
30 by imprisonment in an appropriate facility not exceeding ~~six~~ thirty (~~60~~)
31 months ~~days~~, a fine not exceeding three hundred dollars (\$300), or both such
32 fine and imprisonment. The court may, in addition to the penalties provided
33 herein, require the minor and the minor's parents or legal guardian to at-
34 tend tobacco awareness programs or to perform community service in programs
35 related to tobacco awareness.