

2010 -- H 7211

LC00595

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO CRIMINAL OFFENSES - CHILDREN

Introduced By: Representatives Driver, Aje Ilo, A Rice, Segal, and Fierro

Date Introduced: January 26, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-9-13.13 of the General Laws in Chapter 11-9 entitled "Children"  
2 is hereby amended to read as follows:

3 **11-9-13.13. Nature and size of penalties.** -- (a) Any person or individual that violates a  
4 requirement of section 11-9-13.6(2), display of specific signage, shall be subject to a fine in court  
5 of not less than thirty-five dollars (\$35.00) nor more than five hundred dollars (\$500) per civil  
6 violation.

7 (b) The license holder is responsible for all violations of this section that occur at the  
8 location for which the license is issued. Any license holder that violates the prohibition of section  
9 11-9-13.8(1) and/or (2) shall be subject to civil fines as follows:

10 (1) A fine of two hundred fifty dollars (\$250) for the first violation within any thirty-six  
11 (36) month period;

12 (2) A fine of five hundred dollars (\$500) for the second violation within any thirty-six  
13 (36) month period;

14 (3) A fine of one thousand dollars (\$1,000) and a fourteen (14) day suspension of the  
15 license to sell tobacco products for the third violation within any thirty-six (36) month period;

16 (4) A fine of one thousand five hundred dollars (\$1,500) and a ninety (90) day  
17 suspension of the license to sell tobacco products for each violation in excess of three (3).

18 (c) Any person that violates a prohibition of section 11-9-13.8(3), sale of single  
19 cigarettes; section 11-9-13.8(2), regarding factory-wrapped packs; shall be subject to a penalty of

1 five hundred dollars (\$500) for each violation.

2 (d) The department of taxation shall not issue a license to any individual, business, firm,  
3 association, or corporation the license of which has been revoked or suspended, to any  
4 corporation an officer of which has had his or her license revoked or suspended, or to any  
5 individual who is or has been an officer of a corporation the license of which has been revoked or  
6 suspended so long as such revocations or suspensions are in effect.

7 (e) ~~The court shall suspend the imposition of a license suspension of the license secured~~  
8 ~~from the Rhode Island tax administrator for violation of subdivisions (b)(3) and (b)(4) of this~~  
9 ~~section if the court finds that the license holder has taken measures to prevent the sale of tobacco~~  
10 ~~to minors and the license holder can demonstrate to the court that those measures have been taken~~  
11 ~~and that employees have received training.~~ No person shall sell tobacco products, at retail,  
12 without first being trained in the legal sale of tobacco products. Training shall teach employees  
13 what constitutes a tobacco product, legal age of purchase, acceptable identification, how to refuse  
14 a direct sale to a minor or secondary sale to an adult, and all applicable laws on tobacco sales and  
15 distribution. Dealers shall maintain records indicating that the provisions of this section were  
16 reviewed with all employees who conduct or will conduct tobacco sales. Each employee who  
17 sells or will sell tobacco products shall sign an acknowledgement form attesting that the  
18 provisions of this section were reviewed with him/her. Each form shall be maintained by the  
19 retailer for as long as the employee is so employed and for no less than one year after termination  
20 of employment. The measures to prevent the sale of tobacco to minors shall be defined by the  
21 department of mental health, retardation and hospitals in rules and regulations.

22 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1           This act would prevent the court from vacating a license suspension of store owners who
- 2   violate tobacco sales laws for third and subsequent offenses.
- 3           This act would take effect upon passage.

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