

HOUSE BILL 1706

By Jernigan

AN ACT to amend Tennessee Code Annotated, Title 1, Chapter 3; Title 39; Title 47, Chapter 18, Part 20 and Title 68, relative to tobacco and vapor-related products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 1-3-113(a), is amended by deleting the language "except as provided in subsection (b)" and substituting instead the language "except as to tobacco and vapor-related products and as provided in subsection (b)."

SECTION 2. Tennessee Code Annotated, Section 39-15-408, is amended by deleting the language "a minor" wherever it appears and substituting instead the language "a person under nineteen (19) years of age."

SECTION 3. Tennessee Code Annotated, Section 39-15-409, is amended by deleting the section and substituting instead the following:

(a) A person under nineteen (19) years of age shall not, directly or indirectly, purchase or acquire smoking paraphernalia.

(b)

(1) A violation of this section by a minor is a delinquent act.

(2) A violation of this section by a person eighteen (18) years of age is a Class C misdemeanor.

SECTION 4. Tennessee Code Annotated, Section 39-15-410, is amended by deleting the section and substituting instead the following:

(a)

(1) A person contemplating the dissemination of smoking paraphernalia to an individual whom the person believes, or has reason to believe, may be

under nineteen (19) years of age shall demand identification containing proof of age from the individual.

(2) A violation of subdivision (a)(1) is a Class C misdemeanor.

(b) It is a delinquent act for a minor to use, or attempt to use, false identification to obtain smoking paraphernalia.

SECTION 5. Tennessee Code Annotated, Section 39-15-411(a), is amended by deleting the language ", either the sign required pursuant to § 39-17-1506(a) or the sign required by this section prior to April 22, 1994" and substituting instead the language "the sign required pursuant to § 39-17-1506(a)".

SECTION 6. Tennessee Code Annotated, Section 39-15-413(a)(1), is amended by deleting the language ", or in the case of alcohol a person under twenty-one (21) years of age," and substituting instead the language ", or a person eighteen (18) years of age in the case of tobacco or vapor-related products or a person under twenty-one (21) years of age in the case of alcohol,".

SECTION 7. Tennessee Code Annotated, Section 39-15-413(a)(2), is amended by deleting the language ", or in the case of alcohol or beer, a person under twenty-one (21) years of age," and substituting instead the language ", or a person eighteen (18) years of age in the case of tobacco or vapor-related products, or a person under twenty-one (21) years of age in the case of alcohol or beer,".

SECTION 8. Tennessee Code Annotated, Section 39-15-413(c), is amended by deleting the language ", or in the case of alcohol or beer, a person under twenty-one (21) years of age," and substituting instead the language ", a person eighteen (18) years of age in the case of tobacco or vapor-related products, or a person under twenty-one (21) years of age in the case of alcohol or beer,".

SECTION 9. Tennessee Code Annotated, Section 39-17-1502, is amended by deleting the language "eighteen (18) years of age" wherever it appears and substituting instead the language "nineteen (19) years of age".

SECTION 10. Tennessee Code Annotated, Section 39-17-1503(5), is amended by deleting the language "eighteen (18) years of age" wherever it appears and substituting instead the language "nineteen (19) years of age".

SECTION 11. Tennessee Code Annotated, Section 39-17-1504, is amended by deleting the language "eighteen (18) years of age" wherever it appears and substituting instead the language "nineteen (19) years of age".

SECTION 12. Tennessee Code Annotated, Section 39-17-1505, is amended by deleting the language "eighteen (18) years of age" wherever it appears and substituting instead the language "nineteen (19) years of age".

SECTION 13. Tennessee Code Annotated, Section 39-17-1505, is amended by deleting subsections (b) and (c) and substituting instead the following:

(b)

(1) Any minor who violates this section shall be issued a citation by a law enforcement officer or school principal who has evidence of the violation. The citation shall require the minor to appear in the juvenile court for the county in which the violation is alleged to have occurred. At the time of issuance of the citation, the product shall be seized as contraband by the law enforcement officer or school principal.

(2) A violation of this section by a minor is a civil offense, the penalty for which is a civil penalty of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). Upon its determination that the minor has violated this section, the juvenile court shall determine the amount of the civil penalty and shall order the destruction of the product. The juvenile court may, in its discretion, also impose community service work not to exceed fifty (50) hours or successful

completion of a prescribed teen court program for a second or subsequent violation within a one-year period.

(c) A violation of this section by a person eighteen (18) years of age is a Class C misdemeanor punishable only by a fine.

SECTION 14. Tennessee Code Annotated, Section 39-17-1505(d), is amended by deleting the word "minor" and substituting instead the language "person under nineteen (19) years of age".

SECTION 15. Tennessee Code Annotated, Section 39-17-1506(a), is amended by deleting the language "EIGHTEEN (18) YEARS" and substituting instead the language "NINETEEN (19) YEARS".

SECTION 16. Tennessee Code Annotated, Section 39-17-1507(a)(2), is amended by deleting the language "eighteen (18) years of age" and substituting instead the language "nineteen (19) years of age".

SECTION 17. Tennessee Code Annotated, Section 39-17-1509, is amended by deleting the language "eighteen (18) years of age" wherever it appears and substituting instead the language "nineteen (19) years of age".

SECTION 18. Tennessee Code Annotated, Section 39-17-1513, is amended by deleting the language "eighteen (18) years of age" and substituting instead the language "nineteen (19) years of age".

SECTION 19. Tennessee Code Annotated, Section 47-18-2004(a), is amended by deleting the word "minors" and substituting instead the language "persons under nineteen (19) years of age".

SECTION 20. This act shall take effect July 1, 2018, the public welfare requiring it.