

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/20/17
A Bill

HOUSE BILL 1711

By: Representatives F. Allen, Murdock, K. Ferguson, V. Flowers, Magie, E. Armstrong, G. McGill

For An Act To Be Entitled

AN ACT TO PROHIBIT THE SALE OF TOBACCO PRODUCTS,
VAPOR PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, E-
LIQUID PRODUCTS, AND CIGARETTE PAPERS TO A PERSON
UNDER TWENTY-ONE (21) YEARS OF AGE; AND FOR OTHER
PURPOSES.

Subtitle

TO PROHIBIT THE SALE OF TOBACCO PRODUCTS,
VAPOR PRODUCTS, ALTERNATIVE NICOTINE
PRODUCTS, E-LIQUID PRODUCTS, AND
CIGARETTE PAPERS TO A PERSON UNDER
TWENTY-ONE (21) YEARS OF AGE.

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

SECTION 1. Arkansas Code § 5-27-227, concerning the prohibition of minors purchasing, using, or possessing tobacco products, vapor products, alternative nicotine products, e-liquid products, and cigarette papers, is amended to add an additional subsection to read as follows:

(m)(1) As used in this section, "minor" means a person who is under twenty-one (21) years of age.

(2) "Minor" does not include a person who is under twenty-one (21) years of age if the person presents a military identification card establishing that he or she is a member of the United States Armed Forces.

SECTION 2. Arkansas Code § 5-78-102 is amended to read as follows:
5-78-102. Possession of cigarette or tobacco product by minor –



Confiscation – Additional punishment – Definition.

(a)(1) As used in this section, "minor" means a person who is under twenty-one (21) years of age.

(2) "Minor" does not include a person who is under twenty-one (21) years of age if the person presents a military identification card establishing that he or she is a member of the United States Armed Forces.

(b) A cigarette or tobacco product found in the possession of a ~~person~~ minor under ~~eighteen (18) years of age~~ may be confiscated by a certified law enforcement officer or a school official and immediately destroyed.

~~(b)(c)~~ If a minor who is found by a court to be in violation of any criminal statute is also found to have been in possession of a cigarette or tobacco product at the time of the violation of the criminal statute, the court may order the minor to perform up to three (3) hours of community service and to enroll in a tobacco education program, in addition to any other punishment imposed by the court for the violation of the criminal statute.

~~(e)(1)(d)(1)~~ Any additional punishment ordered by the court under subsection ~~(b)~~ (c) of this section is not a criminal offense and shall not be recorded as a criminal offense in the records of this state.

(2) All records of a proceeding under this section shall be permanently expunged from any record created or maintained by any agency, department, county, or municipality.

/s/F. Allen