

LD1277158

HOUSE BILL NO. 714

Offered January 25, 1994

A BILL to amend and reenact § 18.2-371.2 of the Code of Virginia, relating to purchase of tobacco products by minors.

Patrons—Connally, Darner, Mims and Van Yahres; Senator: Holland, E.M.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-371.2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-371.2. Prohibiting purchase or possession of tobacco products by minors or sale of tobacco products to minors.

A. No person shall sell to or purchase for any person less than eighteen years of age, knowing or having reason to believe that such person is less than eighteen years of age, any tobacco product, including but not limited to cigarettes and cigars. ~~However, the provisions of this subsection shall not apply to the sale of any~~ No tobacco product may be sold from a vending machine provided (i) except in compliance with subsection D and (ii) unless notice is posted on the machine in a conspicuous manner and place indicating that the purchase or possession of tobacco products by minors is unlawful.

B. No person less than eighteen years of age shall purchase or possess any tobacco product including but not limited to cigarettes and cigars. The provisions of this subsection shall not be applicable to the possession of tobacco products by a person less than eighteen years of age making a delivery of tobacco products in pursuance of his employment.

C. A violation of subsection A or B by an individual or by a separate retail establishment shall be punishable by a civil penalty not to exceed \$50 for a first violation and a civil penalty of \$100 for any subsequent violation. Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement officer may issue a summons for a violation of subsection A or B.

D. The proprietor of every retail establishment which offers for sale any tobacco product, including but not limited to cigarettes and cigars, shall post in a conspicuous manner and place a sign or signs indicating that the sale of tobacco products to any person under eighteen years of age is prohibited by law. No person shall distribute or permit the distribution of tobacco products through the operation of a vending machine except: (i) in a bar or lounge area of a restaurant with a valid, on-premise full alcoholic beverages control license where the vending machine is not readily accessible from any entrance to the premises and is in plain view and under the direction, supervision and control of the proprietor or his employee; (ii) in a retail store where the primary products sold are tobacco products; or (iii) in a place of employment which is not involved in or open for retail trade. Any attorney for the county, city or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed \$50. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city or town which instituted the action.

Upon a second or subsequent violation of this subsection, the court may order that a tobacco vending machine used in violation hereof be removed from the premises or rendered inoperable by the local law-enforcement agency.

E. Nothing in this section shall be construed to create a private cause of action.

INTRODUCED

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