Stricken language would be deleted from and underlined language would be added to present law. Act 868 of the Regular Session

1	State of Arkansas	As Engrossed: S3/10/11	
2	88th General Assembly	A Bill	
3	Regular Session, 2011		SENATE BILL 917
4			
5	By: Senator E. Williams		
6			
7	For An Act To Be Entitled		
8	AN ACT TO IMPLEMENT MEASURES TO DETER MINORS FROM		
9	USING TOBAC	CCO PRODUCTS; AND FOR OTHER PURP	OSES.
10			
11		Carb4:41a	
12	mo. 71/1	Subtitle	2
13		PLEMENT MEASURES TO DETER MINORS	;
14	FROM	USING TOBACCO PRODUCTS.	
15			
16 17	DE IT ENACTED DV THE CE	ENEDAL ACCEMBLY OF THE CTATE OF	ADIZANCAC.
17	DE II ENACIED DI INE GE	ENERAL ASSEMBLY OF THE STATE OF	AKKANSAS:
19	SECTION 1 DO M	OT CODIEV Logiclative findings	,
20	SECTION 1. DO NOT CODIFY. Legislative findings. (a) It is the public policy of this state to prohibit the sale of		
21	tobacco products to persons younger than eighteen (18) years of age and		
22	prohibit the use of tobacco by persons younger than eighteen (18) years of		
23	age.		<u> </u>
24		that ninety percent (90%) of adu	lt smokers began when
25		ns, or earlier, and two-thirds (_
26	-	hey reach nineteen (19) years of	_
27	-	kansas retailers have a strict	
28	tobacco products to min	nors, a sizable percentage of mi	inors do obtain and use
29	tobacco products.		
30	(d) Although the u	use of tobacco products by minor.	s is an unlawful act, it
31	is only a violation and should not be treated as a criminal offense.		
32	(e) A stronger deterrent is needed to discourage the illegal use of		
33	tobacco products by min	nors.	
34			
35	SECTION 2. Arkan	nsas Code § 5-78-102 is amended	to read as follows:
36	5-78-102. Confiscation	n of tobacco products authorized	1.

As Engrossed: S3/10/11 SB917

1	$\underline{ ext{(a)}}$ $\underline{ ext{Any}}$ $\underline{ ext{A}}$ cigarette or tobacco product found in the possession of a		
2	person under eighteen (18) years of age may be confiscated by a certified law		
3	enforcement officer or a school official and immediately destroyed.		
4	(b) If a minor who is found by a court to be in violation of any		
5	statute is also found to be in possession of a cigarette or tobacco product,		
6	the court may order the minor to perform up to three (3) hours of community		
7	service and to enroll in a tobacco education program, in addition to any		
8	other punishment imposed by the court.		
9	(c)(1) Any additional punishment ordered by the court under subsection		
10	(b) of this section is not a criminal offense and shall not be recorded as a		
11	criminal offense in the records of this state.		
12	(2) All records of a proceeding under this section shall be		
13	permanently expunged from any record created or maintained by any agency,		
14	department, county, or municipality.		
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16	/s/E. Williams		
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19	APPROVED: 03/31/2011		
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