

ARKANSAS SENATE

88th General Assembly - Regular Session, 2011

Amendment Form

Subtitle of Senate Bill No. 917

TO IMPLEMENT MEASURES TO DETER MINORS FROM USING TOBACCO PRODUCTS.

Amendment No. 1 to Senate Bill No. 917

Amend Senate Bill No. 917 as originally introduced:

Page 1, delete Section 1 and substitute:

"SECTION 1. DO NOT CODIFY. Legislative findings.

(a) It is the public policy of this state to prohibit the sale of tobacco products to persons younger than eighteen (18) years of age and prohibit the use of tobacco by persons younger than eighteen (18) years of age.

(b) Studies show that ninety percent (90%) of adult smokers began when they were in their teens, or earlier, and two-thirds (2/3) become regular, daily smokers before they reach nineteen (19) years of age.

(c) Even though Arkansas retailers have a strict policy of not selling tobacco products to minors, a sizable percentage of minors do obtain and use tobacco products.

(d) Although the use of tobacco products by minors is an unlawful act, it is only a violation and should not be treated as a criminal offense.

(e) A stronger deterrent is needed to discourage the illegal use of tobacco products by minors.

SECTION 2. Arkansas Code § 5-78-102 is amended to read as follows:

5-78-102. Confiscation of tobacco products authorized.

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

(b) If a minor who is found by a court to be in violation of any statute is also found to be in possession of a cigarette or tobacco product, 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.



The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator E. Williams
BPG/LNS - 03/09/11 12:42
BPG375

Secretary

(c)(1) Any additional punishment ordered by the court under subsection (b) 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."