

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

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: S3/10/11

# A Bill

SENATE BILL 917

5 By: Senator E. Williams  
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## For An Act To Be Entitled

8 AN ACT TO IMPLEMENT MEASURES TO DETER MINORS FROM  
9 USING TOBACCO PRODUCTS; AND FOR OTHER PURPOSES.  
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### Subtitle

11 TO IMPLEMENT MEASURES TO DETER MINORS  
12 FROM USING TOBACCO PRODUCTS.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 *SECTION 1. DO NOT CODIFY. Legislative findings.*

20 *(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.*

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

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

30 *(d) Although the use of tobacco products by minors 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 minors.*  
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35 *SECTION 2. Arkansas Code § 5-78-102 is amended to read as follows:*  
36 *5-78-102. Confiscation of tobacco products authorized.*



1 (a) ~~Any~~ 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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