

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1711

5 By: Representatives F. Allen, Murdock, K. Ferguson, V. Flowers, Magie, E. Armstrong, G. McGill
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For An Act To Be Entitled

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

15 TO PROHIBIT THE SALE OF TOBACCO PRODUCTS,
16 VAPOR PRODUCTS, ALTERNATIVE NICOTINE
17 PRODUCTS, E-LIQUID PRODUCTS, AND
18 CIGARETTE PAPERS TO A PERSON UNDER
19 TWENTY-ONE (21) YEARS OF AGE.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 5-27-227, concerning the prohibition of
26 minors purchasing, using, or possessing tobacco products, vapor products,
27 alternative nicotine products, e-liquid products, and cigarette papers, is
28 amended to add an additional subsection to read as follows:

29 (m) As used in this section, "minor" means a person who is under
30 twenty-one (21) years of age.
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32 SECTION 2. Arkansas Code § 5-78-102 is amended to read as follows:

33 5-78-102. Possession of cigarette or tobacco product by minor –
34 Confiscation – Additional punishment – Definition.

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



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

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

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

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

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