

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

As Engrossed: H3/20/17

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.
13

Subtitle

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16 TO PROHIBIT THE SALE OF TOBACCO PRODUCTS,
17 VAPOR PRODUCTS, ALTERNATIVE NICOTINE
18 PRODUCTS, E-LIQUID PRODUCTS, AND
19 CIGARETTE PAPERS TO A PERSON UNDER
20 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)(1) As used in this section, "minor" means a person who is under
30 twenty-one (21) years of age.

31 (2) "Minor" does not include a person who is under twenty-one
32 (21) years of age if the person presents a military identification card
33 establishing that he or she is a member of the United States Armed Forces.
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35 SECTION 2. Arkansas Code § 5-78-102 is amended to read as follows:

36 5-78-102. Possession of cigarette or tobacco product by minor –



1 Confiscation – Additional punishment – Definition.

2 (a)(1) As used in this section, "minor" means a person who is under
3 twenty-one (21) years of age.

4 (2) "Minor" does not include a person who is under twenty-one
5 (21) years of age if the person presents a military identification card
6 establishing that he or she is a member of the United States Armed Forces.

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

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

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

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

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24 /s/F. Allen
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