

106TH CONGRESS  
1ST SESSION

# H. R. 144

To encourage States to enact laws to prohibit the sale of tobacco products to individuals under the age of 18.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

Mr. GREEN of Texas introduced the following bill; which was referred to the Committee on Commerce

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## A BILL

To encourage States to enact laws to prohibit the sale of tobacco products to individuals under the age of 18.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Youth Tobacco Posses-  
5       sion Prevention Act”.

6       **SEC. 2. STATE LAW.**

7       (a) GENERAL RULE.—A State shall be awarded  
8       points under section 3 for each application to the Depart-  
9       ment of Health and Human Services it has made for a  
10       competitive health-related grant if, before the expiration

1 of the year 2005, it enacts, and begins affirmative imple-  
2 mentation of, a law to prohibit the sale of tobacco products  
3 to individuals under the age of 18 which conforms to the  
4 requirements of this section:

5 (b) PENALTIES.—The State law shall prescribe the  
6 following penalties:

7 (1) POSSESSION.—For the possession of a to-  
8 bacco product by an individual under the age of 18:

9 (A) For the first offense, the individual  
10 shall pay a fine of not less than \$25 and shall  
11 complete a tobacco education program or 10  
12 hours of tobacco related community service as  
13 defined by the Secretary of Health and Human  
14 Services by regulation.

15 (B) For the second offense, the individual  
16 shall pay a fine of not less than \$50, shall com-  
17 plete a tobacco cessation program, and shall  
18 complete not less than 30 hours of tobacco re-  
19 lated community service.

20 (C) For the third offense, the individual  
21 shall pay a fine of not less than \$100, the indi-  
22 vidual's driver's license shall be suspended for  
23 not less than 3 months, and the individual shall  
24 complete not less than 60 hours of tobacco re-  
25 lated community service.

1           (D) For any subsequent offense, the indi-  
2           vidual shall pay a fine of not less than \$250  
3           and the individual's driver's license shall be sus-  
4           pended for not less than 6 months.

5           (2) SALE OR DISTRIBUTION.—For the sale or  
6           distribution of a tobacco product to an individual  
7           under the age of 18 by a an individual over the age  
8           of 18 or an employee:

9           (A) For the first offense, such person shall  
10          pay a fine of not less than \$100 and shall com-  
11          plete a tobacco education program.

12          (B) For the second offense, such person  
13          shall pay a fine of not less than \$250 and shall  
14          complete not less than 60 hours of tobacco re-  
15          lated community service.

16          (C) For any subsequent offense, such per-  
17          son shall pay a fine of not less than \$500.

18          (c) SPECIAL PROVISIONS.—The State law shall pro-  
19          vide as follows:

20               (1) EDUCATION AND CESSATION PROGRAMS  
21               AND COMMUNITY SERVICE.—Within 90 days of the  
22               conviction of an offense, the convicted individual  
23               shall present documentation to the court to prove  
24               the completion of an applicable education or ces-

1 sation program or of an applicable community serv-  
2 ice requirement.

3 (2) RURAL RESIDENTS.—An individual who re-  
4 sides in a rural area which is more than 90 miles  
5 from the site of an applicable education or cessation  
6 program shall in lieu of completion of such program  
7 perform a 15 hours of community service.

8 (3) TRANSACTIONS IN HOME.—No individual  
9 shall be liable under the State law described in sub-  
10 section (a) for the distribution of a tobacco product  
11 within the home of such individual.

12 (4) RECORD EXPUNGED.—In the case of an in-  
13 dividual under the age of 18 who is convicted of the  
14 possession of a tobacco product, the court may, in  
15 its discretion, expunge the record of such conviction  
16 after the completion of the penalty requirements.

17 (5) EXISTING FEDERAL OR STATE LAW.—Noth-  
18 ing in this Act shall be construed to preempt or oth-  
19 erwise change any existing Federal or State law or  
20 regulation as it relates to the sale of tobacco prod-  
21 ucts by an establishment.

22 (6) NOTICE.—Law enforcement authorities  
23 shall notify the parents or legal guardians of an in-  
24 dividual under the age of 18 within 48 hours of the  
25 time such individual is taken into custody for posses-

1 sion of a tobacco product under a provision of law  
2 described in section 2(a)(1).

3 **SEC. 3. AWARD.**

4 A State which enacts and implements a law described  
5 in section 2 before the expiration of the year 2005 shall  
6 receive 5 additional points on the score placed on each  
7 application it has made to the Department of Health and  
8 Human Services for a competitive public health service  
9 grant.

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