

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1999

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

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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