SPONSOR: Rep. Ramone & Sen. Lavelle;
Reps. D. Short, Kenton, Heffernan; Sens. Henry, Sokola

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 71

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE POSSESSION, USE, PURCHASE, OR RECEIPT OF TOBACCO PRODUCTS BY MINORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1124, Title 11 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

§ 1124. Possession, use, ~~P~~purchase, or receipt of tobacco products by minors.

(a) It shall be unlawful for any person who has not attained the age of 18 years to have a tobacco product in his or her possession at any time, to use a tobacco product, to purchase a tobacco product, to accept receipt of a sample, to exchange a coupon for a tobacco product or to present or offer to another person a purported proof of age which is false, fraudulent or not actually that person's own proof of age, for the purpose of purchasing or receiving any tobacco product or redeeming a coupon for a tobacco product.

(b) A person who violates subsection (a) of this section shall be adjudged delinquent and shall for a ~~1st~~first adjudication be fined $50 or ordered to perform 25 hours of community service work, and for a ~~2nd~~second adjudication and for all subsequent adjudications be fined $50 and ordered to perform 50 hours of community service work. A subsequent adjudication of delinquency is one that occurs within 12 months of a prior like offense.

SYNOPSIS

This Act makes it unlawful for a minor to possess or use a tobacco product.

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