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**BAN ON SALE OF SMOKING
PARAPHERNALIA TO MINORS**

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Wayne L. Niederhauser

LONG TITLE

General Description:

This bill amends Utah Criminal Code provisions related to access to tobacco products by a person under the age of 19.

Highlighted Provisions:

This bill:

- ▶ defines tobacco paraphernalia; and
- ▶ makes it a misdemeanor to provide tobacco paraphernalia to a person under the age of 19.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-10-104.1, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-10-104.1** is enacted to read:

76-10-104.1. Providing tobacco paraphernalia to minors -- Penalties.



28 (1) For purposes of this section:

29 (a) "Provides":

30 (i) includes selling, giving, furnishing, sending, or causing to be sent; and

31 (ii) does not include the acts of the United States Postal Service or other common
32 carrier when engaged in the business of transporting and delivering packages for others or the
33 acts of a person, whether compensated or not, who transports or delivers a package for another
34 person without any reason to know of the package's content.

35 (b) "Tobacco paraphernalia":

36 (i) means any equipment, product, or material used, or intended for use to package,
37 repackage, store, contain, conceal, ingest, inhale, or otherwise introduce a cigar, cigarette, or
38 tobacco in any form into the human body, including:

39 (A) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without
40 screens, permanent screens, hashish heads, or punctured metal bowls;

41 (B) water pipes;

42 (C) carburetion tubes and devices;

43 (D) smoking and carburetion masks;

44 (E) roach clips: meaning objects used to hold burning material, such as a cigarette, that
45 has become too small or too short to be held in the hand;

46 (F) chamber pipes;

47 (G) carburetor pipes;

48 (H) electric pipes;

49 (I) air-driven pipes;

50 (J) chillums;

51 (K) bongs; and

52 (L) ice pipes or chillers; and

53 (ii) does not include matches or lighters.

54 (2) Any person who knowingly, intentionally, recklessly, or with criminal negligence
55 provides any tobacco paraphernalia to any person under 19 years of age, is guilty of a class C
56 misdemeanor on the first offense ~~H~~→ [;] and ~~←H~~ a class B misdemeanor ~~H~~→ [on the second
56a offense, and a class A
57 misdemeanor] ~~←H~~ on subsequent offenses.

Legislative Review Note
as of 1-6-10 8:35 AM

Office of Legislative Research and General Counsel

H.B. 206 - Ban on Sale of Smoking Paraphernalia to Minors

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will require ongoing General Fund appropriations of \$17,200 to the Courts. Approximately \$17,200 of ongoing revenue will be generated - \$8,600 to the General Fund and \$8,600 to the Non-Judicial Restricted Fund.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
General Fund	\$0	\$17,200	\$17,200	\$0	\$8,600	\$8,600
Restricted Funds	\$0	\$0	\$0	\$0	\$8,600	\$8,600
Total	\$0	\$17,200	\$17,200	\$0	\$17,200	\$17,200

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Enactment of this bill may increase the cost to county jails by up to \$20,000 annually depending on the number of convictions for offenses created by the provisions of this bill.
