

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

(1) For purposes of this section:

(a) "Provides":

- (i) includes selling, giving, furnishing, sending, or causing to be sent; and
- (ii) does not include the acts of the United States Postal Service or other common carrier when engaged in the business of transporting and delivering packages for others or the acts of a person, whether compensated or not, who transports or delivers a package for another person without any reason to know of the package's content.

(b) "Tobacco paraphernalia":

- (i) means any equipment, product, or material of any kind which is used, intended for use, or designed for use to package, repackage, store, contain, conceal, ingest, inhale, or otherwise introduce a cigar, cigarette, or tobacco in any form into the human body, including:
 - (A) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - (B) water pipes;
 - (C) carburetion tubes and devices;
 - (D) smoking and carburetion masks;
 - (E) roach clips: meaning objects used to hold burning material, such as a cigarette, that has become too small or too short to be held in the hand;
 - (F) chamber pipes;
 - (G) carburetor pipes;
 - (H) electric pipes;
 - (I) air-driven pipes;
 - (J) chillums;
 - (K) bongs; and
 - (L) ice pipes or chillers; and
- (ii) does not include matches or lighters.

(2)

- (a) It is unlawful for a person to knowingly, intentionally, recklessly, or with criminal negligence provide any tobacco paraphernalia to any person under 19 years of age.
- (b) A person who violates this section is guilty of a class C misdemeanor on the first offense and a class B misdemeanor on subsequent offenses.

Amended by Chapter 278, 2013 General Session