

**Representative Carl R. Saunders** proposes to substitute the following bill:

**PENALTIES FOR UNDER AGE POSSESSION  
OF TOBACCO**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Carl R. Saunders**

**This act modifies the Judicial Code. This act provides that participation in a court-approved tobacco education program is mandatory rather than optional for first-time possession or attempted purchase of tobacco by an underage person. This act increases the minimum fine or penalty for the same offense.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**76-10-105**, as last amended by Chapters 41 and 240, Laws of Utah 1998

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

Section 1. Section **76-10-105** is amended to read:

**76-10-105. Buying or possessing cigars, cigarettes, or tobacco by minors -- Penalty -- Compliance officer authority -- Juvenile court jurisdiction.**

(1) Any 18 year old person who buys or attempts to buy, accepts, or has in his possession any cigar, cigarette, or tobacco in any form is guilty of a class C misdemeanor and subject to:

(a) a minimum fine or penalty of [~~\$50~~] \$55; [~~or~~] and

(b) if the offense is a first offense, participation in a court-approved tobacco education program, which may include a participation fee.

(2) Any person under the age of 18 who buys or attempts to buy, accepts, or has in his possession any cigar, cigarette, or tobacco in any form is subject to the jurisdiction of the Juvenile Court and:

(a) a minimum fine or penalty of [~~\$50~~] \$55; [~~or~~] and



26 (b) if the offense is a first offense, participation in a court-approved tobacco  
26a education  
27 program, which may include a participation fee.

28 (3) Participation in a court-approved tobacco education program may be waived if the  
29 court finds that participation would cause undue hardship to the offender.

30 [~~3~~] (4) A compliance officer appointed by a board of education under Section 53A-3-402  
31 may issue citations for violations of this section committed on school property. Cited violations  
32 shall be reported to the appropriate juvenile court.