§1580-F. Furnishing or allowing consumption of tobacco products by certain persons prohibited

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Minor" means a person who has not reached the age of 21 years, unless the person has attained 18 years of age as of July 1, 2018. [PL 2019, c. 495, §3 (NEW).]

B. "Tobacco product" has the same meaning as in section 1551, subsection 3. [PL 2019, c. 495, §3 (NEW).]

[PL 2019, c. 495, §3 (NEW).]

2. Offense. Except as provided in subsection 3, a person who is 21 years of age or older may not knowingly:

A. Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver a tobacco product for or to a minor. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a Class D crime.

(2) A person who violates this paragraph commits a Class D crime for which a fine of not less than $500 may be imposed, none of which may be suspended, if the violation involves a minor who is less than 18 years of age.

(3) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph B within a 6-year period commits a Class D crime for which a fine of not less than $1,000 may be imposed, none of which may be suspended.

(4) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph B 2 or more times within a 6-year period commits a Class D crime for which a fine of not less than $1,500 may be imposed, none of which may be suspended; or [PL 2019, c. 495, §3 (NEW).]

B. Allow a minor under that person's control or in a place under that person's control to possess or consume a tobacco product. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a Class D crime.

(2) A person who violates this paragraph commits a Class D crime for which a fine of not less than $1,000 may be imposed, none of which may be suspended, if the violation involves a minor who is less than 18 years of age.

(3) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph A within a 6-year period commits a Class D crime for which a fine of not less than $2,000 may be imposed, none of which may be suspended. [PL 2019, c. 495, §3 (NEW).]

[PL 2019, c. 495, §3 (NEW).]

3. Exceptions. This section does not apply to a licensee under chapter 262-A or an agent of that licensee in the scope of employment.

[PL 2019, c. 495, §3 (NEW).]

SECTION HISTORY

PL 2019, c. 495, §3 (NEW).

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