

TOBACCO LAW

VSA Title 7 Chapter 40

Section 1004. PROOF OF AGE FOR THE SALE OF TOBACCO PRODUCTS

(a) A person shall exhibit proper proof of his or her age upon demand of a person licensed under this chapter, an employee of a licensee or a law enforcement officer. If the person fails to provide such proof of age, the licensee shall be entitled to refuse to sell tobacco products to the person. The sale or furnishing of tobacco products to a person exhibiting proper proof shall be prima facie evidence of a licensee's compliance with section 1007 of this title.

(b) As used in this section, "proper proof" means a photographic motor vehicle operator's license, a valid passport, a United States Military identification card or a photographic nondriver motor vehicle identification card obtained from the Department of Motor Vehicles.

Section 1005. PERSONS UNDER THE AGE OF EIGHTEEN; POSSESSION OF TOBACCO PRODUCTS; MISREPRESENTING AGE OR PURCHASING TOBACCO PRODUCTS; PENALTY

(a) A person less than 18 years of age shall not possess or purchase tobacco products unless the person is an employee of a holder of a tobacco license and is in possession of tobacco products to effect a sale in the course of employment. A person less than 18 years of age shall not misrepresent his or her age to purchase tobacco products. A person who possesses tobacco products in violation of this subsection shall be subject to having the tobacco products immediately confiscated and shall be further subject to a civil penalty of \$25.00. In the case of failure to pay a penalty, the judicial bureau shall mail a notice to the person at the address in the complaint notifying the person that failure to pay the penalty within 60 days of the notice will result in either the suspension of the person's operator's license for a period of not more than 90 days or delay the initial licensing of the person for a period of not more than one year. A copy of the notice shall be sent to the commissioner of motor vehicles, who after expiration of 60 days from the date of notice and unless notified by the judicial bureau that the penalty has been paid, shall either suspend the person's operator's license or cause initial licensing of the person to be delayed for the periods set forth in this subsection and the rules. An action under this subsection shall be brought in the same manner as a traffic violation pursuant to chapter 24 of Title 23. The commissioner of motor vehicles shall adopt rules in accordance with the provisions of chapter 25 of Title 3 to implement the provisions of this subsection, which may provide for incremental suspension or delays not exceeding cumulatively the maximum periods established by this subsection.

(b) A person less than 18 years of age who misrepresents his or her age by presenting false identification to purchase tobacco products shall be fined not more than \$50.00 or provide up to 10 hours of community service, or both.