

HOUSE BILL 1459

By Gant

AN ACT to amend Tennessee Code Annotated, Title 39,
relative to restrictions on tobacco and vapor
products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1502, is amended by deleting the language "eighteen (18) years of age" wherever it appears in the section and substituting instead the language "twenty-one (21) years of age".

SECTION 2. Tennessee Code Annotated, Section 39-17-1503(5), is amended by deleting the language "eighteen (18) years of age" wherever it appears in the subdivision and substituting instead the language "twenty-one (21) years of age".

SECTION 3. Tennessee Code Annotated, Section 39-17-1504(a), is amended by deleting the language "eighteen (18) years of age" wherever it appears in the section and substituting instead the language "twenty-one (21) years of age".

SECTION 4. Tennessee Code Annotated, Section 39-17-1504(b), is amended by deleting the language "who has not attained eighteen (18) years of age" wherever it appears and substituting instead the language "who has not attained twenty-one (21) years of age".

SECTION 5. Tennessee Code Annotated, Section 39-17-1504(d), is amended by deleting the language "eighteen (18) years of age" wherever it appears and substituting instead the language "twenty-one (21) years of age".

SECTION 6. Tennessee Code Annotated, Section 39-17-1505, is amended by deleting the language "eighteen (18) years of age" wherever it appears in the section and substituting instead the language "twenty-one (21) years of age".

SECTION 7. Tennessee Code Annotated, Section 39-17-1505, is further amended by deleting the language "minor" wherever it appears in the section and substituting instead the language "person under twenty-one (21) years of age".

SECTION 8. Tennessee Code Annotated, Section 39-17-1505(c), is amended by deleting the subsection and substituting instead the following:

(c) A violation of this section is a civil offense, for which:

(1) If the defendant is a person under eighteen (18) years of age, then the juvenile court may, in its discretion, impose a civil penalty of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), which may be charged against a parent, guardian, or custodian, but not a minor. The juvenile court may, in its discretion, also impose community service work not to exceed fifty (50) hours or successful completion of a prescribed teen court program for a second or subsequent violation within a one-year period; and

(2) If the defendant is a person under twenty-one (21) years of age but older than seventeen (17) years of age, then the court may, in its discretion, impose a civil penalty of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). The court may, in its discretion, also impose community service work not to exceed fifty (50) hours or successful completion of a prescribed court program for a second or subsequent violation within a one-year period.

SECTION 9. Tennessee Code Annotated, Section 39-17-1506(a), is amended by deleting the language "EIGHTEEN (18) YEARS" and substituting instead the language "TWENTY-ONE (21) YEARS".

SECTION 10. Tennessee Code Annotated, Section 39-17-1507(a)(2), is amended by deleting the language "eighteen (18) years of age" and substituting instead the language "twenty-one (21) years of age".

SECTION 11. Tennessee Code Annotated, Section 39-17-1509, is amended by deleting the language "eighteen (18) years of age" wherever it appears in the section and substituting instead the language "twenty-one (21) years of age".

SECTION 12. Tennessee Code Annotated, Section 39-17-1509(e)(2), is amended by deleting the language "minor" wherever it appears in the subdivision and substituting instead the language "person under twenty-one (21) years of age".

SECTION 13. Tennessee Code Annotated, Section 39-17-1513, is amended by deleting the language "eighteen (18) years of age" and substituting instead the language "twenty-one (21) years of age".

SECTION 14. Tennessee Code Annotated, Section 39-17-1551, is amended by deleting the language "tobacco products" wherever it appears in the section and substituting instead the language "tobacco products and vapor products".

SECTION 15. Tennessee Code Annotated, Section 39-15-407(2), is amended by deleting the language "alcoholic beverages" and substituting instead the language "alcoholic beverages, tobacco products, and vapor products".

SECTION 16. Tennessee Code Annotated, Section 39-15-413(a)(1), is amended by deleting the language "or in the case of alcohol a person under twenty-one (21) years of age, to purchase smoking material, smoking paraphernalia, any smokeless tobacco product, alcohol" and substituting instead the language "or in the case of alcohol, tobacco products, or vapor products a person under twenty-one (21) years of age, to purchase smoking material, smoking paraphernalia, any tobacco product, vapor product, alcohol".

SECTION 17. Tennessee Code Annotated, Section 39-15-413(a), is amended by deleting subdivision (2) and substituting instead the following:

It is not a violation of § 39-15-404, § 39-15-410, or §§ 39-17-1501 - 39-17-1508, or any other statute prohibiting the use, possession, or sales of alcohol, beer, lottery

tickets, tobacco products, vapor products, smokeless tobacco, or smoking material or paraphernalia to a minor or a person under twenty-one (21) years of age, for a merchant in the business of selling alcohol, beer, lottery tickets, tobacco products, vapor products, smokeless tobacco, or smoking material or paraphernalia, to use or send a minor, or in the case of alcohol, beer, tobacco products, or vapor products, a person under twenty-one (21) years of age, to purchase any such product for the purpose of aiding in the enforcement of laws and policies prohibiting sales by the merchant at the merchant's place of business and preventing sales of such products to or use by individuals under age from occurring.

SECTION 18. Tennessee Code Annotated, Section 39-15-413(c), is amended by deleting the language "or in the case of alcohol or beer" and substituting instead the language "or in the case of alcohol, beer, tobacco products, or vapor products".

SECTION 19. Tennessee Code Annotated, Section 39-17-1804(9), is amended by deleting the language "minors" and substituting instead the language "persons under twenty-one (21) years of age".

SECTION 20. This act shall take effect July 1, 2019, the public welfare requiring it.