



SPONSOR: Rep. Ramone & Rep. Wilson & Sen. Lawson
Reps. Dukes, Hudson, D. Short; Sen. Delcollo

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 36

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO OFFENSES RELATED TO CHILDREN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 1124, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 1124. Purchase or ~~receipt~~ possession of tobacco products or tobacco substitutes by minors.

(a) It shall be unlawful for any person who has not attained the age of 18 years to purchase a tobacco product or tobacco substitute, to accept receipt of a sample, to exchange a coupon for a tobacco product or tobacco substitute, or to present or offer to another person a purported proof of age which is false, fraudulent or not actually that person's own proof of age, for the purpose of purchasing or receiving any tobacco product or tobacco substitute or redeeming a coupon for a tobacco product or tobacco substitute.

(b) It shall be unlawful for any person who has not attained the age of 18 to knowingly or intentionally possess, use, or consume a tobacco product or tobacco substitute.

~~(b)~~(c) A person who violates subsection (a) or (b) of this section shall be adjudged delinquent and shall for a first adjudication be fined \$50 or ordered to perform 25 hours of community service work, and for a second adjudication and for all subsequent adjudications be fined \$50 and ordered to perform 50 hours of community service work. A subsequent adjudication of delinquency is one that occurs within 12 months of a prior like offense.

SYNOPSIS

Although minors are prohibited from purchasing tobacco, it is not technically illegal for a minor to possess or consume tobacco. This bill will make the possession, use, or consumption of tobacco by a minor unlawful and subject to the same penalties as a person under 18 who purchases a tobacco product.