



SPONSOR: Rep. Ramone & Sen. Lawson  
Reps. D. Short, Wilson; Sens. McBride, Walsh

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1  
FOR  
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):

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

3 § 1124. Purchase, receipt, or possession of tobacco products or tobacco substitutes by minors.

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

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

13 (c) It shall be a civil violation of this subsection for any person who has not attained the age of 18 to knowingly or  
14 intentionally possess, use, or consume a tobacco product or tobacco substitute.

15 (d) A person who violates subsection (c) of this section for a first violation shall be ordered to attend an  
16 educational course relating to the health issues and dangers associated with the consumption and use of tobacco products or  
17 tobacco substitutes, for a second violation be ordered to perform 25 hours of community service work, and for all  
18 subsequent violations be ordered to perform 50 hours of community service work.

## SYNOPSIS

Although minors are prohibited from purchasing tobacco, it is not technically wrong for a minor to possess or consume tobacco. This bill will make the possession, use, or consumption of tobacco by a minor subject to penalties relating to education and community service.