

FIRST REGULAR SESSION

HOUSE BILL NO. 37

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GASKILL.

Pre-filed December 1, 2000, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

0460L.011

AN ACT

To amend chapters 167 and 407, RSMo, by adding thereto two new sections relating to prohibiting possession of tobacco products by minors, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 167 and 407, RSMo, are amended by adding thereto two new sections, to be known as sections 167.667 and 407.933, to read as follows:

167.667. 1. No student enrolled in any school district in this state shall possess any tobacco products, as defined in section 407.925, RSMo, on school property. In addition to the penalties prescribed by section 407.933, RSMo, any student who violates the provisions of this subsection shall have the tobacco products in such student's possession confiscated and shall be subject to detention, suspension or expulsion.

2. Every elementary and secondary school in this state shall post a sign in a prominent location in the school which states:

"No student shall possess tobacco products on school property. Any student who possesses tobacco products on school property shall have the tobacco products confiscated and shall be subject to detention, suspension or expulsion. Tobacco products means any substance containing tobacco leaf, including cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco."

407.933. 1. No person less than eighteen years of age shall purchase, attempt to purchase or possess cigarettes or other tobacco products unless such person is an employee of a seller of cigarettes or tobacco products and is in such possession to effect a sale in the course of employment.

2. Any person less than eighteen years of age shall not misrepresent his or her age to purchase cigarettes or tobacco products.

7 **3. Any person who violates the provisions of this section shall have any cigarettes**
8 **or tobacco products in such person's possession confiscated, such person shall attend a**
9 **school-approved anti-tobacco program, if locally available, and shall be subject to the**
10 **following penalties:**

11 **(1) For a first violation, sixteen hours of community service, or in lieu thereof, a**
12 **twenty-five dollar fine and the court shall direct the department of revenue to withhold**
13 **issuance of or suspend such person's driver's license or driving privilege for ten days;**

14 **(2) For a second violation of this section within twelve weeks of the first violation,**
15 **twenty-five hours of community service, or in lieu thereof, a fifty dollar fine and the court**
16 **shall direct the department of revenue to withhold issuance of or suspend such person's**
17 **driver's license or driving privilege for thirty days;**

18 **(3) For a third or subsequent violation within twelve weeks of the first violation,**
19 **fifty hours of community service, or in lieu thereof, a one hundred dollar fine and the court**
20 **shall direct the department of revenue to withhold issuance of or suspend or revoke such**
21 **person's driver's license or driving privilege for six months; and**

22 **(4) Any second or subsequent violation not within a twelve-week time period after**
23 **the first violation is punishable as provided for a first violation.**