WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 2000

ENROLLED
Revised Committee Substitute for
SENATE BILL NO. 124

(By Senator Mitchell, et al.)

PASSED March 11, 2000
In Effect July 1, 2000
ENROLLED
REVISED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 126
(SENATORS MITCHELL, DAWSON, UNGER, HUNTER,
KESSLER, BALL, MCKENZIE, MINEAR, MINARD,
REDD, BOWMAN, ROSS AND SHARPE, original sponsors)

[Passed March 11, 2000; to take effect July 1, 2000.]

AN ACT to amend and reenact sections two and three, article nine-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to sale of tobacco products to minors and use of tobacco products by minors; increasing penalties for firm or individual selling tobacco or tobacco-related products to minors; and increasing penalties for minors possessing tobacco products.

Be it enacted by the Legislature of West Virginia:
That sections two and three, article nine-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 9A. TOBACCO USAGE RESTRICTIONS.

§16-9A-2. Sale or gift of cigarette, cigarette paper, pipe, cigar, snuff, or chewing tobacco to persons under eighteen; penalties for first and subsequent offense.

(a) No person, firm, corporation or business entity may sell, give or furnish, or cause to be sold, given or furnished, to any person under the age of eighteen years:

(1) Any pipe, cigarette paper or any other paper prepared, manufactured or made for the purpose of smoking any tobacco or tobacco product; or

(2) Any cigar, cigarette, snuff, chewing tobacco or tobacco product, in any form.

(b) Any firm or corporation that violates any of the provisions of subdivision (1) or (2), subsection (a) of this section and any individual who violates any of the provisions of subdivision (1), subsection (a) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined twenty-five dollars for the first offense. Upon any subsequent violation at the same location or operating unit, the firm, corporation or individual shall be fined as follows: At least one hundred dollars but not more than two hundred dollars for the second offense, if it occurs within two years of the first conviction; at least two hundred fifty dollars but not more than five hundred dollars for the third offense, if it occurs within two years of the first conviction; at least two hundred fifty dollars but not more than five hundred dollars for the fourth offense, if it occurs within five years of the first conviction; and at least one thousand dollars but not more than five thousand dollars for the fifth and any subsequent offenses,
if the fifth or subsequent offense occurs within five years
of the first conviction.

(c) Any individual who knowingly and intentionally
sells, gives or furnishes or causes to be sold, given or
furnished to any person under the age of eighteen years
any cigar, cigarette, snuff, chewing tobacco or tobacco
product, in any form, is guilty of a misdemeanor and, upon
conviction thereof, for the first offense shall be fined not
more than one hundred dollars; upon conviction thereof
for a second or subsequent offense, is guilty of a misde-
meanor and shall be fined not less than one hundred nor
more than five hundred dollars.

§16-9A-3. Use or possession of tobacco or tobacco products by
persons under the age of eighteen years; penalties.

No person under the age of eighteen years shall have on
or about his or her person or premises or use any cigarette,
or cigarette paper or any other paper prepared, manufac-
tured or made for the purpose of smoking any tobacco
products, in any form; or, any pipe, snuff, chewing tobacco
or tobacco product: Provided, That minors participating
in the inspection of locations where tobacco products are
sold or distributed pursuant to section seven of this article
shall not be deemed to violate the provisions of this
section. Any person violating the provisions of this section
shall for the first violation be fined twenty-five dollars and
be required to serve eight hours of community service; for
a second violation, the person shall be fined fifty dollars
and be required to serve sixteen hours of community
service; and for a third and each subsequent violation, the
person shall be fined one hundred dollars and be required
to serve twenty-four hours of community service. Not-
withstanding the provisions of section two, article five,
chapter forty-nine, the magistrate court shall have concur-
rent jurisdiction.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect July 1, 2000.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 29th Day of March, 2000.

Governor