

FIRST REGULAR SESSION

# SENATE BILL NO. 598

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR SINGLETON.

Read 1st time February 28, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

2159S.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 407.923, 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 407.923, 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."**

**407.923. 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.**

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

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

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

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

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

**4. Each judicial circuit shall establish an anti-tobacco peer court to assist with enforcement of the provisions of this section. The anti-tobacco peer court shall consist of twelve full-time students who are enrolled in and attending school, from grades eight through twelve. Each member of the anti-tobacco peer court shall serve for two years without compensation, or until graduation from twelfth grade, whichever occurs first. Any recommendation of an anti-tobacco peer court shall be reviewed for approval by an associate judge or judge of the circuit court.**

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