

SECOND REGULAR SESSION

# SENATE BILL NO. 523

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CURLS.

Pre-filed December 6, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4169S.011

## AN ACT

To repeal section 407.933, RSMo, and to enact in lieu thereof one new section relating to sale of cigarettes, with penalty provisions.

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

Section A. Section 407.933, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 407.933, to read as follows:

407.933. 1. No person less than eighteen years of age shall purchase,  
2 attempt to purchase or possess cigarettes or other tobacco products [unless such  
3 is an employee of a seller of cigarettes or tobacco products and is in such  
4 possession to effect a sale in the course of employment, or an employee of the  
5 division of liquor control for enforcement purposes pursuant to subsection 5 of  
6 section 407.934].

7 **2. No employee of a seller of cigarettes or tobacco products who**  
8 **is less than eighteen years of age shall effect a sale of cigarettes or**  
9 **tobacco products in the course of his or her employment.**

10 **3. The provisions of this section shall not apply to an employee**  
11 **of the division of liquor control for enforcement purposes under**  
12 **subsection 5 of section 407.934.**

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

15 **[3.] 5. Any person who violates the provisions of subsection 1 of this**  
16 **section shall be penalized as follows:**

17 (1) For the first violation, the person is guilty of an infraction and shall  
18 have any cigarettes or tobacco products confiscated;

19 (2) For a second violation and any subsequent violations, the person is

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 guilty of an infraction, shall have any cigarettes or tobacco products confiscated  
21 and shall complete a tobacco education or smoking cessation program, if  
22 available.

23           **6. Any seller of cigarettes or tobacco products who violates the**  
24 **provisions of subsection 2 of this section by an employee less than**  
25 **eighteen years of age attempting to effect or effecting a sale of**  
26 **cigarettes or tobacco products in the course of employment shall be**  
27 **assessed a fine of two hundred fifty dollars for a first violation and five**  
28 **hundred dollars for a second and any subsequent violation.**

Unofficial ✓

Bill

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