

House Bill 667

By: Representatives Wiles of the 34th, Ehrhart of the 36th, Cooper of the 31st, Callaway of the 81st and Channell of the 111th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-12-171 of the Official Code of Georgia Annotated, relating to
2 prohibited acts regarding the sale of or distribution to minors of cigarettes and tobacco
3 related objects, so as to make it unlawful for any minor to possess or attempt to purchase any
4 cigarettes or tobacco related objects; to provide for misdemeanor criminal penalties for a
5 minor who possesses, purchases, or attempts to purchase cigarettes or tobacco related objects
6 or misrepresents his or her age or identity; to provide for exceptions; to amend Article 3 of
7 Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to the cancellation,
8 suspension, and revocation of drivers' licenses, so as to provide for the suspension of a
9 minor's driver's license based on the unlawful possession, purchase, or attempted purchase
10 of cigarettes or tobacco related objects or misrepresentation of the minor's age or identity;
11 to provide for a short title; to provide for an effective date and applicability; to repeal
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 This Act shall be known and may be cited as the "Georgia Teen Smoking Act."

16 **SECTION 2.**

17 Code Section 16-12-171 of the Official Code of Georgia Annotated, relating to prohibited
18 acts regarding the sale of or distribution to minors of cigarettes and tobacco related objects,
19 is amended by striking in its entirety subsection (b) and inserting in lieu thereof a new
20 subsection (b) to read as follows:

21 "(b)(1) It shall be unlawful for any minor knowingly to:

22 (A) Purchase or attempt to purchase any cigarettes or tobacco related objects; ~~or~~

23 (B) Misrepresent such minor's identity or age or use any false identification for the
24 purpose of purchasing or procuring any cigarettes or tobacco related objects; ~~or~~

25 (C) Possess any cigarettes or tobacco related objects.

1 (2) A minor who ~~commits an offense provided for in~~ violates paragraph (1) of this
2 subsection shall be guilty of a misdemeanor and may be punished as follows:

3 (A) By requiring the performance of community service not exceeding 20 hours;

4 (B) By requiring attendance at a publicly or privately sponsored lecture or discussion
5 on the health hazards of smoking or tobacco use, provided such lecture or discussion
6 is offered without charge to the minor; ~~or~~

7 (C) By a fine not to exceed \$100.00; or

8 (D) By a combination of the punishments described in subparagraphs (A) and (B)
9 through (C) of this paragraph.

10 (3) In addition to the penalties provided for in paragraph (2) of this subsection, the
11 driver's license of any minor convicted of violating this subsection or found to have
12 committed a delinquent act based on a violation of this subsection shall be subject to
13 suspension as provided in Code Section 40-5-57.3.

14 (4) This subsection shall not prohibit minors who are employed in supermarkets,
15 convenience stores, drugstores, or similar establishments from selling or handling
16 cigarettes or tobacco related objects in the ordinary course of business of such
17 establishments.

18 (5) This subsection shall not apply to minors who are acting under the direction of law
19 enforcement officers to enforce the provisions of this Code section."

20 SECTION 3.

21 Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to the
22 cancellation, suspension, and revocation of drivers' licenses, is amended by adding a new
23 Code section, to be designated as Code Section 40-5-57.3, to read as follows:

24 "40-5-57.3.

25 (a) The driver's license of any minor who is 17 years of age may be suspended for a period
26 of up to six months upon the first conviction of violating subsection (b) of Code Section
27 16-12-171 and shall be suspended for a period of 12 months upon the second or subsequent
28 conviction of violating subsection (b) of Code Section 16-12-171. The minor shall submit
29 the driver's license to the court upon conviction, and the court shall forward the driver's
30 license to the department. After the suspension period and when the minor pays a
31 restoration fee of \$35.00 or, when processed by mail, \$25.00, the suspension shall
32 terminate, and the department shall return the minor's driver's license to such minor.

33 (b) Notwithstanding any provision of subsection (b) of Code Section 15-11-35 to the
34 contrary, if a minor who is under the age of 17 years is found by a juvenile court to have
35 committed a delinquent act based on a violation of subsection (b) of Code Section
36 16-12-171, the court may suspend the driver's license of such minor for a period of up to

1 six months for a first such violation and shall suspend the driver's license of such minor
2 for a period of 12 months for a second or subsequent such violation. In the case of a minor
3 who does not have a driver's license, the juvenile court may prohibit the issuance of a
4 driver's license to such minor for a period of up to six months for a first violation of
5 subsection (b) of Code Section 16-12-171 and shall prohibit the issuance of a driver's
6 license to such minor for a period of 12 months for a second or subsequent violation of
7 subsection (b) of Code Section 16-12-171. The juvenile court shall retain the driver's
8 license for the period of suspension and return it to the offender at the end of such period.
9 The juvenile court shall notify the department of any such actions taken pursuant to this
10 Code section."

11 **SECTION 4.**

12 This Act shall become effective on July 1, 2001, and shall apply to offenses committed on
13 and after that date.

14 **SECTION 5.**

15 All laws and parts of laws in conflict with this Act are repealed.