

House Bill 1440

By: Representatives Harbin of the 118th, Coan of the 101st, and O'Neal of the 146th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
2 relating to sale or distribution to, or possession by, minors of cigarettes and tobacco related
3 objects, so as to provide definitions; to provide for the regulation of blunt wraps; to provide
4 for legislative intent; to provide for preemption of certain matters; to provide for related
5 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 7 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to sale
9 or distribution to, or possession by, minors of cigarettes and tobacco related objects, is
10 amended by revising Code Section 16-12-170, relating to definitions, as follows:

11 "16-12-170.

12 As used in this article, the term:

13 (1) 'Blunt wraps' means cigar papers or cigar wrappers of all types that are designed for
14 smoking or ingestion of tobacco products and that contain less than 50 percent tobacco.

15 ~~(1)~~(2) 'Cigarettes' means any type of tobacco or tobacco product.

16 ~~(2)~~(3) 'Community service' means a public service which a minor might appropriately
17 be required to perform, as determined by the court, as punishment for certain offenses
18 provided for in this article.

19 ~~(3)~~(4) 'Minor' means any person who is under the age of 18 years.

20 ~~(4)~~(5) 'Person' means any natural person or any firm, partnership, company, corporation,
21 or other entity.

22 ~~(5)~~(6) 'Proper identification' means any document issued by a governmental agency
23 containing a description of the person, such person's photograph, or both, and giving such
24 person's date of birth and includes, without being limited to, a passport, military
25 identification card, driver's license, or an identification card authorized under Code

26 Sections 40-5-100 through 40-5-104. 'Proper identification' shall not include a birth
27 certificate.
28 ~~(6)~~(7) 'Tobacco related objects' means any papers, wrappers, or other products, devices,
29 or substances, including blunt wraps, which are used for the purpose of making cigarettes
30 or tobacco in any form whatsoever."

31 **SECTION 2.**

32 Said article is further amended by adding a new Code section to read as follows:

33 "16-12-177.

34 It is declared by the General Assembly that the regulation of the sale and distribution of
35 cigarettes and tobacco related objects is a matter of general, state-wide concern and it is the
36 intent of the General Assembly to regulate the subject matter of this article completely.
37 Therefore, no county or municipality shall adopt or enforce any ordinance or regulation
38 inconsistent with this article."

39 **SECTION 3.**

40 This Act shall become effective upon its approval by the Governor or upon its becoming law
41 without such approval.

42 **SECTION 4.**

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