

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

2

HOUSE BILL 459  
Second Edition Engrossed 5/11/93

Short Title: No Tobacco Sales to Minors.

(Public)

---

Sponsors: Representatives Gottovi; Alexander, Barnes, Barnhill, Bowman, Brawley, D. Brown, Colton, Cummings, Dickson, Easterling, Gamble, Green, Hackney, Judy Hunt, Jenkins, Joye, Kuczmariski, Luebke, Moore, Stamey, Weatherly, Wilmoth, C. Wilson, and Wright.

---

Referred to: Judiciary II.

---

March 22, 1993

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE SALE OR OTHER DISPOSAL OF TOBACCO TO MINORS, KNOWINGLY OR OTHERWISE, AND TO PROVIDE THAT IT IS AN AFFIRMATIVE DEFENSE THAT THE SELLER REQUESTED IDENTIFICATION OR HAD OTHER FACTS THAT REASONABLY INDICATED THAT THE PURCHASER WAS OF LEGAL AGE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 14-313 reads as rewritten:

**"§ 14-313. Selling cigarettes to minors.**

(a) If any person shall knowingly sell, give away or otherwise dispose of, directly or indirectly, cigarettes, or tobacco in the form of cigarettes, or cut tobacco in any form or shape which may be used or intended to be used as a substitute for cigarettes, or cigarette wrapping papers, or a smokeless tobacco product to any minor under the age of 18 years, or if any person shall knowingly aid, assist or abet any other person in selling such articles to such minor, he shall be guilty of a misdemeanor punishable by a fine not to exceed ~~five hundred dollars (\$500.00)~~ fifty dollars (\$50.00), imprisonment for not more than ~~six months~~ 30 days, or both. As used in this section, 'smokeless tobacco product' means (i) loose tobacco or a flat compressed cake of tobacco that may be chewed or held in the mouth or (ii) shredded, powdered, or pulverized tobacco that may

1 be inhaled through the nostrils, chewed, or held in the mouth. This section shall not  
2 apply to the sale of tobacco by means of vending machines.

3 (b) It shall be a defense to a violation of subsection (a) of this section if the seller:

4 (1) Shows that the purchaser produced a drivers license, a special  
5 identification card issued under G.S. 20-37.7, a military identification  
6 card, or a passport, showing the purchaser's age to be at least the  
7 required age for purchase and bearing a physical description of the  
8 person named on the card reasonably describing the purchaser; or

9 (2) Produces evidence of other facts that reasonably indicated at the time  
10 of sale that the purchaser was at least the required age."

11 Sec. 2. This act becomes effective October 1, 1993, and applies to offenses  
12 occurring on or after that date.