

Whereas, most smokers start at age 13-14; about 60% of current smokers had started smoking by age 14; 90% began by age 20; and

Whereas, according to a 1989 study by the National Automatic Merchandising Association, 72% of teenage smokers say they purchase their own cigarettes; and

Whereas, according to the Department of Environment, Health, and Natural Resources, children ages 11-17 in North Carolina have shown that tobacco products can be easily obtained at 51% of over-the-counter outlets and at 94% of tobacco vending machines across the State; and

Whereas, approximately 70% of the North Carolina high school seniors who smoke today will be the addicted adult smokers of tomorrow; and

Whereas, smoking-related health and economic costs in North Carolina have risen to over \$2,100,000,000 annually; Now, therefore,

The General Assembly of North Carolina enacts:

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

"§ 14-313. Selling cigarettes to minors.

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 Class 2 misdemeanor. 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 be inhaled through the nostrils, chewed, or held in the mouth."

Sec. 2. The General Assembly encourages district attorneys and the district courts to strictly enforce G.S. 14-313. The Administrative Office of the Courts shall collect and maintain records of the number of arrests being made in the State under G.S. 14-313, the number of convictions and dismissals, and the penalties imposed. No later than January 1, 1996, and annually thereafter, the Administrative Office of the Courts shall report these statistics to the General Assembly by filing a report with the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

Sec. 3. G.S. 7A-148(a) reads as rewritten:

"(a) The chief district judges of the various district court districts shall meet at least once a year upon call of the Chief Justice of the Supreme Court to discuss mutual problems affecting the courts and the improvement of court operations, to prepare and adopt uniform schedules of offenses for selling cigarettes to minors under G.S. 14-313 and the types of offenses specified in G.S. 7A-273(2) for which magistrates and clerks of court may accept written appearances, waivers of trial or hearing and pleas of guilty or admissions of responsibility, and establish a schedule of penalties or fines therefor, and to take such further action as may be found practicable and desirable to promote the uniform administration of justice."

1 **"§ 66-253. Posting a sign required.**

2 (a) Every tobacco retailer that sells cigarettes or other tobacco products shall post
3 a clear and conspicuous sign in each place of business where cigarettes and other tobacco
4 products are sold that states:

5 'THE SALE OF CIGARETTES OR OTHER TOBACCO PRODUCTS TO
6 PERSONS UNDER 18 YEARS OF AGE IS PROHIBITED BY LAW. PHOTO
7 IDENTIFICATION IS REQUIRED TO PURCHASE TOBACCO.'

8 (b) The letters of these signs shall be at least one-quarter inch high.

9 (c) The sign required under subsection (a) of this section shall be displayed
10 prominently for public view at each cash register within the retail outlet where tobacco
11 products are sold.

12 **"§ 66-254. Penalties.**

13 (a) Upon ascertaining that the provisions of G.S. 66-251 or G.S. 66-253 have been
14 violated, the Attorney General may institute a civil action seeking the civil penalties
15 provided by this section.

16 (b) In any action instituted by the Attorney General for a violation of G.S. 66-251,
17 the court may impose injunctive relief or may impose a civil penalty as follows, or both:

18 (1) One hundred dollars (\$100.00) for the first violation.

19 (2) Five hundred dollars (\$500.00) for the second violation within any five-
20 year period.

21 (3) One thousand dollars (\$1,000) for the third violation within any five-
22 year period.

23 (c) In any action instituted by the Attorney General for a violation of G.S. 66-253,
24 the court may impose injunctive relief or may impose a civil penalty as follows, or both:

25 (1) Twenty-five dollars (\$25.00) for the first violation.

26 (2) Fifty dollars (\$50.00) for the second violation within any five-year
27 period.

28 (3) One hundred dollars (\$100.00) for the third violation within any five-
29 year period.

30 **"§ 66-255. Citizen complaints.**

31 Any citizen may notify the Attorney General of violations of G.S. 66-251 or G.S. 66-
32 253 by submitting a written letter of complaint to the Attorney General. This letter shall
33 state that the citizen witnessed the violation, the date, time, and location of the violation,
34 and, if it is a violation of G.S. 66-251, the name or description of the clerk, if possible, or
35 the vending machine location involved in the violation. The Attorney General may
36 investigate citizen complaints under this section.

37 **"§ 66-256. Local ordinances and rules intact.**

38 Nothing contained in this Article shall be construed to restrict the authority of any
39 North Carolina county, city, town, or other political subdivision of the State to adopt and
40 enforce additional local laws, ordinances, or regulations that comply with at least the
41 minimum applicable standard of severely restricting children's access to tobacco as set
42 forth in this Article."

1 Sec. 5. If any provision of this act or the application thereof to any person or
2 circumstance is held invalid by a court, such invalidity shall not affect other provisions or
3 applications of the act that can be given effect without the invalid provision or
4 application, and to this end the provisions of this act are severable.

5 Sec. 6. In order to increase voluntary compliance with Section 4 of this act,
6 county health departments shall conduct informational activities to notify and educate
7 tobacco retailers and the public of the law, that may include:

- 8 (1) Random unannounced youth tobacco buying assessment.
- 9 (2) Publication and distribution of materials on retail merchant education
10 and employee training to prevent tobacco sales to minors; and
- 11 (3) Publication and distribution of materials on youth tobacco use
12 prevention, education, cessation services, and programs that are
13 available locally.

14 Sec. 7. This act becomes effective October 1, 1995, and applies to tobacco
15 products sold or distributed within the meaning of this act on or after that date.