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HOUSE BILL 704

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Debbie A. Rodella

AN ACT

**RELATING TO TOBACCO PRODUCTS; PRESCRIBING PENALTIES FOR A
MINOR IN POSSESSION OF TOBACCO PRODUCTS; ENACTING A NEW
SECTION OF THE TOBACCO PRODUCTS ACT.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. A new section of the Tobacco Products Act is
enacted to read:**

**" [NEW MATERIAL] MINOR IN POSSESSION OF TOBACCO
PRODUCTS-- PENALTIES. --**

**A. A minor shall not be in possession of tobacco
products.**

**B. A violation of the provisions of Subsection A
of this section is a misdemeanor and the offender shall be
punished as follows:**

(1) for a first violation, the offender shall

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be:

(a) fined an amount not more than one thousand dollars (\$1,000); and

(b) ordered by the sentencing court to perform thirty hours of community service with a tobacco cessation and prevention program;

(2) for a second violation, the offender shall:

(a) be fined an amount not more than one thousand dollars (\$1,000);

(b) be ordered by the sentencing court to perform forty hours of community service with a tobacco cessation and prevention program; and

(c) have his driver's license suspended for a period of ninety days. If the minor is too young to possess a driver's license at the time of the violation, then ninety days shall be added to the date he would otherwise become eligible to obtain a driver's license; and

(3) for a third or subsequent violation, the offender shall:

(a) be fined an amount not more than one thousand dollars (\$1,000);

(b) be ordered by the sentencing court to perform sixty hours of community service with a tobacco cessation and prevention program; and

1 (c) have his driver's license suspended for a
2 period of two years or until the offender reaches twenty-one
3 years of age, whichever period of time is greater. "

4 Section 2. EFFECTIVE DATE. -- The effective date of the
5 provisions of this act is July 1, 2001.

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