



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

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HB 2118: furnishing tobacco; minors; enterprise penalties

Sponsor: Representative Bolick, LD 20

Caucus & COW

Overview

Prescribes penalties and restrictions for enterprises that violate law relating to furnishing of tobacco and vapor products.

History

A person who knowingly sells, gives or furnishes cigars, cigarettes or cigarette papers or smoking and chewing tobacco (tobacco products), a vapor product or any instrument or paraphernalia that is specifically designed for the smoking or ingestion of tobacco or shisha, including hookah or waterpipe, to a minor is guilty of a petty offense.

A minor who buys or possesses or knowingly accepts or receives tobacco product, vapor product or any instrument or paraphernalia that is specifically designed for the smoking or ingestion of tobacco or shisha, including hookah or waterpipe, is guilty of a petty offense ([A.R.S. § 13-3622](#)).

Statute defines a *minor* as a person under 18 years of age ([A.R.S. § 1-215](#)).

Shisha is any mixture of tobacco leaf and honey, molasses or dried fruit or any other sweetener. *Vapor product* is a noncombustible tobacco-derived product containing nicotine that employs a mechanical heating element, battery or circuit, regardless of shape or size, that can be used to heat a liquid nicotine solution contained in cartridges. Vapor product does not include any product that is regulated by the United States Food and Drug Administration ([A.R.S. § 13-3622](#)).

In 2019, [The Federal Food, Drug, and Cosmetic Act](#) was amended by [legislation](#) which established that it is unlawful for any retailer to sell tobacco products to any person younger than 21 years of age.

Provisions

Furnishing of Tobacco Products (Sec. 1)

1. Replaces *minor* with a *person who is under the minimum age of sale for tobacco products as set by the Federal Food, Drug, and Cosmetic Act*.
2. Establishes penalties and restrictions for enterprises that violate law relating to furnishing of tobacco and vapor products within a 3-year period as follows:
 - a) First Violation: Mandatory tobacco retailer educational course in lieu of or in addition to a \$500 to \$750 fine;
 - b) Second Violation: Mandatory tobacco retailer educational course; \$1,000 to \$1,500 fine; 30-day prohibition of tobacco related transactions;
 - c) Third Violation: Mandatory tobacco retailer educational course; \$2,000 to \$2,500 fine; 90-day prohibition of tobacco related transactions;
 - d) Fourth or subsequent Violation: Mandatory tobacco retailer educational course; \$3,000 to \$5,000 fine; 1-year prohibition of tobacco related transactions.

3. Stipulates an enterprise that violates a prohibition of tobacco related transactions is guilty of a petty offense and is required to pay an additional fine of \$3,000 to \$5,000 and will be subject to an extension of the prohibition period of tobacco related transactions.
4. Prohibits the court from waiving fines for a second or subsequent violation outside of the 3-year period.
5. Requires at least one owner or person serving in a managerial position and one person in a nonmanagerial position to attend the mandatory tobacco retailer educational course.
6. Makes technical changes.

Amendments

Committee on Commerce

1. Adds that the prescribed penalties apply only to the specific location in which the violation occurred.