

House Engrossed Senate Bill

~~Arizona teachers academy; community colleges~~
(now: tobacco use; sale; minimum age)

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

CHAPTER 228

SENATE BILL 1247

AN ACT

AMENDING SECTIONS 13-3622, 36-798.01 AND 36-798.02, ARIZONA REVISED
STATUTES; AMENDING TITLE 36, CHAPTER 6, ARTICLE 14, ARIZONA REVISED
STATUTES, BY ADDING SECTION 36-798.07; RELATING TO TOBACCO.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3622, Arizona Revised Statutes, is amended to
3 read:

4 13-3622. Furnishing of tobacco product, vapor product or
5 tobacco or shisha instruments or paraphernalia to
6 underage person; underage person accepting or
7 receiving tobacco product, vapor product or
8 tobacco or shisha instruments or paraphernalia;
9 illegally obtaining tobacco product, vapor product
10 or tobacco or shisha instruments or paraphernalia
11 by underage person; classification; definitions

12 A. A person who knowingly sells, gives or furnishes a tobacco
13 product, a vapor product or any instrument or paraphernalia that is solely
14 designed for ~~the~~ smoking or ~~ingestion of~~ **INGESTING** tobacco or shisha,
15 including a hookah or waterpipe, to a ~~minor~~ **PERSON WHO IS UNDER TWENTY-ONE**
16 **YEARS OF AGE** is guilty of a petty offense.

17 B. **EXCEPT AS PROVIDED IN SECTION 36-798.07,** a ~~minor~~ **PERSON WHO IS**
18 **UNDER TWENTY-ONE YEARS OF AGE AND** who buys, or has in ~~his~~ **THE PERSON'S**
19 possession or knowingly accepts or receives from any person, a tobacco
20 product, a vapor product or any instrument or paraphernalia that is solely
21 designed for ~~the~~ smoking or ~~ingestion of~~ **INGESTING** tobacco or shisha,
22 including a hookah or waterpipe, is guilty of a petty offense, and if the
23 offense involves any instrument or paraphernalia that is solely designed
24 for ~~the~~ smoking or ~~ingestion of~~ **INGESTING** tobacco or shisha, shall pay a
25 fine of ~~not less than one hundred dollars~~ **AT LEAST \$100** or perform ~~not~~
26 ~~less than~~ **AT LEAST** thirty hours of community restitution.

27 C. A ~~minor~~ **PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE** who
28 misrepresents the ~~minor's~~ **PERSON'S** age to ~~any~~ **ANOTHER** person by means of a
29 written instrument of identification with the intent to induce the **OTHER**
30 person to sell, give or furnish a tobacco product, a vapor product or any
31 instrument or paraphernalia that is solely designed for ~~the~~ smoking or
32 ~~ingestion of~~ **INGESTING** tobacco or shisha, including a hookah or waterpipe,
33 in violation of subsection A or B of this section is guilty of a petty
34 offense and, notwithstanding section 13-802, shall pay a fine of not more
35 than ~~five hundred dollars~~ **\$500**.

36 D. This section does not apply to any of the following:

37 1. Cigars, cigarettes or cigarette papers, smoking or chewing
38 tobacco or any instrument or paraphernalia that is solely designed for ~~the~~
39 smoking or ~~ingestion of~~ **INGESTING** tobacco or shisha, including a hookah or
40 waterpipe, if it is used or intended to be used in connection with a bona
41 fide practice of a religious belief and as an integral part of a religious
42 or ceremonial exercise.

43 2. Any instrument or paraphernalia that is solely designed for ~~the~~
44 smoking or ~~ingestion of~~ **INGESTING** tobacco or shisha, including a hookah or
45 waterpipe, that is given to or possessed by a ~~minor~~ **PERSON WHO IS UNDER**

1 TWENTY-ONE YEARS OF AGE if the instrument or paraphernalia was a gift or
2 souvenir and is not used or intended to be used by the ~~minor~~ PERSON WHO IS
3 UNDER TWENTY-ONE YEARS OF AGE to smoke or ingest tobacco or shisha.

4 E. For the purposes of this section:

5 1. "Shisha" includes any mixture of tobacco leaf and honey,
6 molasses or dried fruit or any other sweetener.

7 2. "Tobacco product" means any of the following:

8 (a) Cigars.

9 (b) Cigarettes.

10 (c) Cigarette papers of any kind.

11 (d) Smoking tobacco of any kind.

12 (e) Chewing tobacco of any kind.

13 3. "Vapor product":

14 (a) Means a noncombustible tobacco-derived product containing
15 nicotine that employs a mechanical heating element, battery or circuit,
16 regardless of shape or size, that can be used to heat a liquid nicotine
17 solution contained in cartridges. ~~Vapor product~~

18 (b) Does not include any product that is regulated by the United
19 States food and drug administration under chapter V of the federal food,
20 drug, and cosmetic act.

21 Sec. 2. Section 36-798.01, Arizona Revised Statutes, is amended to
22 read:

23 36-798.01. Selling or giving beedies or bidis: violation;
24 classification

25 A. It is unlawful for a retail tobacco vendor to sell, furnish,
26 give or provide beedies or bidis to a ~~minor~~ PERSON WHO IS UNDER TWENTY-ONE
27 YEARS OF AGE in this state.

28 B. Any person who violates this section is guilty of a class 3
29 misdemeanor.

30 Sec. 3. Section 36-798.02, Arizona Revised Statutes, is amended to
31 read:

32 36-798.02. Vending machine sales of tobacco and tobacco
33 products; signage; violation; classification

34 A. A person shall not sell tobacco products through a vending
35 machine unless the vending machine is located in either:

36 1. A bar.

37 2. An employee lounge area that is not open to the public and the
38 business in which the lounge area is located does not employ minors.

39 B. A sign measuring at least eighty square inches shall be
40 obviously affixed to the front of each vending machine. The sign shall
41 state in block letters, ~~THAT~~ it is illegal for a ~~minor~~ PERSON WHO IS
42 UNDER TWENTY-ONE YEARS OF AGE to purchase cigarettes or tobacco products
43 and, ~~upon~~ ON conviction, a fine of up to ~~three hundred dollars~~ \$300 may be
44 imposed.

1 C. This article does not invalidate an ordinance of or prohibit the
2 adoption of an ordinance by a county, city or town to further restrict the
3 location of vending machines or specify different wording for the vending
4 ~~machines~~ MACHINE signs as required by subsection B of this section.

5 D. A person who violates this section is guilty of a petty offense.

6 Sec. 4. Title 36, chapter 6, article 14, Arizona Revised Statutes,
7 is amended by adding section 36-798.07, to read:

8 36-798.07. Possessing, accepting or receiving tobacco
9 product, vapor product or tobacco or shisha
10 instruments or paraphernalia; active military
11 personnel under twenty-one years of age

12 A. A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE MAY POSSESS,
13 ACCEPT, RECEIVE OR USE A TOBACCO PRODUCT, A VAPOR PRODUCT OR ANY
14 INSTRUMENT OR PARAPHERNALIA THAT IS SOLELY DESIGNED FOR SMOKING OR
15 INGESTING TOBACCO OR SHISHA AS DEFINED IN SECTION 13-3622, INCLUDING A
16 HOOKAH OR WATERPIPE, ONLY IF ALL OF THE FOLLOWING APPLY:

17 1. THE PERSON IS CURRENTLY SERVING AS A MEMBER OF THE NATIONAL
18 GUARD, THE UNITED STATES ARMED FORCES RESERVES OR THE ACTIVE COMPONENT OF
19 THE UNITED STATES ARMED FORCES.

20 2. THE USE OR POSSESSION OF THE TOBACCO PRODUCT, VAPOR PRODUCT OR
21 ANY INSTRUMENT OR PARAPHERNALIA IS ALLOWED BY THE REGULATIONS AND POLICIES
22 OF THE UNITED STATES DEPARTMENT OF DEFENSE OR THE BRANCH OF THE UNITED
23 STATES ARMED FORCES IN WHICH THE PERSON IS SERVING.

24 3. THE PERSON HOLDS A VALID MILITARY IDENTIFICATION CARD THAT IS
25 ISSUED BY THE UNITED STATES DEPARTMENT OF DEFENSE OR THE BRANCH OF THE
26 UNITED STATES ARMED FORCES IN WHICH THE PERSON IS SERVING.

27 B. THIS SECTION DOES NOT APPLY TO ANY PERSON WHO IS EITHER:

28 1. NO LONGER SERVING AS A MEMBER OF THE NATIONAL GUARD, THE UNITED
29 STATES ARMED FORCES RESERVES OR THE ACTIVE COMPONENT OF THE UNITED STATES
30 ARMED FORCES.

31 2. UNDER EIGHTEEN YEARS OF AGE.

APPROVED BY THE GOVERNOR JUNE 27, 2025.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 27, 2025.