

SENATE BILL 332

Introduced by Gage

2/08	Introduced
2/08	Referred to Public Health, Welfare & Safety
2/09	First Reading
2/18	Hearing
2/22	Tabled in Committee

1 *Senate* BILL NO. *332*  
 2 INTRODUCED BY *[Signature]*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE SALE OF  
 5 ANY SMOKELESS TOBACCO PRODUCTS TO A PERSON UNDER 18 YEARS OF  
 6 AGE; PROHIBITING THE PURCHASE OF ANY SMOKELESS TOBACCO  
 7 PRODUCT BY A PERSON UNDER 18 YEARS OF AGE OR BY ANOTHER FOR  
 8 A PERSON UNDER 18 YEARS OF AGE; PROVIDING THAT PROOF OF AGE  
 9 BE REQUIRED FOR THE PURCHASE OF ANY SMOKELESS TOBACCO  
 10 PRODUCT; PROVIDING A PENALTY FOR THE UNLAWFUL SALE OR  
 11 PURCHASE OF ANY SMOKELESS TOBACCO PRODUCT; AND PROVIDING FOR  
 12 MANDATORY POSTING OF SIGNS DESCRIBING THE PENALTIES."

13  
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 NEW SECTION. Section 1. Definition. As used in  
 16 [sections 1 through 4], "smokeless tobacco product" means  
 17 any product containing tobacco that is used in a way other  
 18 than smoking, including but not limited to chewing tobacco,  
 19 snuff, powdered tobacco, processed tobacco, and unprocessed  
 20 tobacco.

21 NEW SECTION. Section 2. Sale of smokeless tobacco  
 22 products to minors prohibited. It is unlawful for any  
 23 person, firm, corporation, partnership, or other entity  
 24 engaged in the sale of smokeless tobacco products to sell,  
 25 give, barter, or otherwise furnish a smokeless tobacco

1 product to a person under 18 years of age.  
 2 NEW SECTION. Section 3. Purchase of smokeless tobacco  
 3 by minors prohibited. It is unlawful for a person under 18  
 4 years of age to purchase, receive, barter, or otherwise  
 5 obtain any smokeless tobacco product.

6 NEW SECTION. Section 4. Signs defining penalty. Each  
 7 person, firm, corporation, partnership, or other entity  
 8 engaged in the sale of smokeless tobacco products shall  
 9 prominently display in the place where such products are  
 10 sold, including any vending machine, a printed sign or decal  
 11 that reads as follows:

12 "A PERSON UNDER 18 YEARS OF AGE WHO PURCHASES ANY  
 13 SMOKELESS TOBACCO PRODUCT IS SUBJECT TO A FINE OF UP TO \$50.

14 A PERSON WHO SELLS ANY SMOKELESS TOBACCO PRODUCT TO A  
 15 PERSON UNDER 18 YEARS OF AGE IS SUBJECT TO A FINE OF UP TO  
 16 \$50."

17 NEW SECTION. Section 5. Proof of age -- penalties. (1)  
 18 A person contemplating the sale of any smokeless tobacco  
 19 product to an individual the person believes or has reason  
 20 to believe is under 18 years of age shall demand  
 21 identification containing proof of age from the individual.

22 (2) It is unlawful for any person under 18 years of age  
 23 to alter his or another's driver's license or identification  
 24 card for the purpose of obtaining smokeless tobacco. It is  
 25 unlawful for any person under 18 years of age to use the



LC 1761/01

1 driver's license or identification card of another to obtain  
2 smokeless tobacco.

3 (3) A person convicted of violating any provision of  
4 [sections 1 through 4] is guilty of a misdemeanor. A person  
5 convicted of violating any provision of [sections 1 through  
6 4] shall be fined not to exceed \$50. Each violation under  
7 any provision of [sections 1 through 4] is a separate and  
8 distinct offense.

-End-