

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

**BILL NUMBER:** HB 766

**SHORT TITLE:** Tobacco Sales/Minors

**SPONSOR(S):** Representative Brawley

**FISCAL IMPACT:**           **Expenditures:**       **Increase ( )**           **Decrease (**  
**)**       **No Estimate Available (X)**

**BILL SUMMARY:** "TO CLARIFY AND MAKE UNIFORM THE LAWS REGARDING THE SALE AND DISTRIBUTION OF TOBACCO PRODUCTS TO PERSONS LESS THAN EIGHTEEN YEARS OLD." Rewrites G.S. 14-313 so it provides that a person who knowingly distributes or aids in distributing tobacco products or cigarette wrapping papers to person under 18, or person who knowingly purchases on behalf of such person, is guilty of Class 2 misdemeanor. Proof that defendant demanded, was shown, and reasonably relied on proof of age is a defense. Provides that person under 18 who purchases, attempts to purchase, etc. tobacco products or cigarette wrapping papers commits an infraction. A person who sends a person under 18 to purchase these items is guilty of Class 2 misdemeanor, but permits law enforcement to do so to test compliance with law under specified conditions. Effective only for local ordinances adopted on or after July 1, 1995, prohibits state or local government or agency from enacting ordinance or rules concerning sale, distribution, display, or promotion of tobacco products or cigarette wrapping papers (but provision does not apply to regulation of vending machines).

**EFFECTIVE DATE:** Applicable to offense committed on or after July 1, 1995.

**PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED:** Judicial Branch; Department of Correction

**FISCAL IMPACT**

FY 95-96      FY 96-97      FY 97-98      FY 98-99  
FY99-00

**EXPENDITURES**  
**NON-RECURRING**  
**POSITIONS:**

**RECURRING NO ESTIMATE AVAILABLE**

**ASSUMPTIONS AND METHODOLOGY: JUDICIAL BRANCH**

The Administrative Office of the Courts is unable to estimate what impact the proposed legislation could have on the Judicial Branch.

**Number of Cases:** No data is available to indicate the number of individuals that take part in the type of activities contained in the proposed legislation (see (1) through (3)).

**Level of Enforcement:** No information is available with regards to the potential level of enforcement of the language contained in the proposed legislation.

(1) **Sale or distribution to persons under the age of 18 years:** any person that "knowingly distributes, or knowingly aids, assists, or abets any other person in distributing tobacco products to any person under the age of 18, or if any person shall knowingly purchase tobacco products or cigarette wrapping papers shall be guilty of a Class 2 misdemeanor."

(2) **Purchase by persons under the age of 18 years:** "If any person under the age of 18 years purchases or accepts receipt, or attempts to purchase or accept receipt, of tobacco products or cigarette wrapping papers, or presents or offers to any person any purported proof of age which is false, fraudulent, or not actually his or her own for the purpose of purchasing or receiving any tobacco product, the person shall be guilty of an infraction as provided in G.S. 14-3.1."

(3) **Send or assist person less than 18 years to purchase or receive tobacco product:** Persons who "knowingly send or assist a person less than 18 years to purchase, acquire, receive or attempt to purchase, acquire or receive tobacco products or cigarette wrapping papers" shall be guilty of a Class 2 misdemeanor.

**ASSUMPTIONS AND METHODOLOGY: COUNTY JAILS**

The North Carolina Sentencing and Policy Advisory Commission is not able to estimate the number of individuals that may be incarcerated in county jails as a result of the proposed legislation. However, the Sentencing and Policy Advisory Commission does not expect that there would be a substantial impact on county jails as a result of the proposed legislation unless the level of enforcement is particularly intensive.

**SOURCES OF DATA:** Administrative Office of the Courts; North Carolina Sentencing and Policy Advisory Commission

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION** (733-4910)

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**APPROVED BY:** Tom Covington **TomC**

**DATE:** April 19, 1995



**Signed Copy Located in the NCGA Principal Clerk's Offices**