

Page 1-line 2 After "furnishing of" insert "certain".

Page 4-lines 20 through 22 Delete entirely including the  
Lindholm, et al. second reading amendment  
(SF0050H2002/AE) to these lines and insert:

"(a) No individual shall sell, offer for sale, give away or  
deliver tobacco products to any person under the age of eighteen  
(18) years. No individual shall sell, offer for sale, give away or  
deliver electronic cigarettes to any person under the age of  
twenty-one (21) years unless the person is eighteen (18) years of  
age and a:

(i) Member of the military including military veterans;

(ii) Firefighter as defined in W.S. 27-15-101(a)(i) or  
volunteer firefighter as defined in W.S. 1-1-125(a)(iii)(B);

(iii) Peace officer as defined in W.S. 7-2-101(a)(iv);  
or

(iv) Tribal law enforcement officer."

Page 5-lines 20 through 23 Delete entirely and insert:

"(c) No retailer shall sell, permit the sale, offer for sale,  
give away or deliver tobacco products to any person under the age  
of eighteen (18) years. No retailer shall sell, permit the sale,  
offer for sale, give away or deliver electronic cigarettes to any  
person under the age of twenty-one (21) years unless the person is  
eighteen (18) years of age and a:

(i) Member of the military including military veterans;

(ii) Firefighter as defined in W.S. 27-15-101(a)(i) or  
volunteer firefighter as defined in W.S. 1-1-125(a)(iii)(B);

(iii) Peace officer as defined in W.S. 7-2-101(a)(iv);  
or

(iv) Tribal law enforcement officer."

Page 7-lines 20 through 23 Delete entirely.

Page 8-lines 1 through 3 Delete entirely and insert:

"(f) It is an affirmative defense to a prosecution under subsections (a) and (c) of this section that, in the case of a sale, the person who sold the tobacco product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the tobacco product as being over eighteen (18) years of age. It is an affirmative defense to a prosecution under subsections (a) and (c) of this section that, in the case of a sale, the person who sold the electronic cigarette was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the electronic cigarette as being over twenty-one (21) years of age.".

Page 8-lines 11 through 18 Delete entirely and insert:

"(i) Adopted and enforced a written policy against selling:

(A) Tobacco products to persons under the age of eighteen (18) years; and

(B) Electronic cigarettes to persons under the age of twenty-one (21) years, subject to lawful exceptions.

(ii) Informed its employees of the applicable laws regarding the sale of:

(A) Tobacco products to persons under the age of eighteen (18) years; and

(B) Electronic cigarettes to persons under the age of twenty-one (21) years, subject to lawful exceptions.

Page 9-line 11 Reinsert stricken "tobacco" and delete "nicotine".

Page 9-line 12 Reinsert all stricken language; delete all new language.

Page 9-line 13 After "age" insert "and the sale of electronic cigarettes to persons under twenty-one (21) years unless otherwise provided for by law".

Page 12-lines 19 and 20 Delete entirely and insert:

1           **"14-3-304. Purchase by persons of a certain age prohibited."**

2  
3   Page 12-lines 22 and 23           Delete entirely.

4  
5   Page 13-lines 1 through 4       Delete entirely, including the  
6                                   Olsen committee of the whole  
7                                   amendment (SF0050HW001/AE) to these  
8                                   lines, the Olsen, et al. second  
9                                   reading amendment (SF0050H2001/AE)  
10                                  to these lines and the Lindholm, et  
11                                  al. second reading amendment  
12                                  (SF0050H2002/AE) to these lines and  
13                                  insert:  
14

15       "(a) No person under the age of eighteen (18) years shall  
16   purchase or attempt to purchase tobacco products, or misrepresent  
17   his identity or age, or use any false or altered identification  
18   for the purpose of purchasing or attempting to purchase tobacco  
19   products. No person under the age of twenty-one (21) years shall  
20   purchase or attempt to purchase electronic cigarettes, or  
21   misrepresent his identity or age, or use any false or altered  
22   identification for the purpose of purchasing or attempting to  
23   purchase electronic cigarettes unless the person is eighteen (18)  
24   years of age and a member of the military including military  
25   veterans, a firefighter as defined in W.S. 27-15-101(a)(i), a  
26   volunteer firefighter as defined in W.S. 1-1-125(a)(iii)(B), a  
27   peace officer as defined in W.S. 7-2-101(a)(iv) or a tribal law  
28   enforcement officer. A person shall not be arrested for an alleged  
29   violation of this subsection but shall be issued a citation as a  
30   charging document by a peace officer having probable cause to  
31   believe the person violated this subsection. An officer issuing a  
32   citation shall deposit one (1) copy of the citation with the court  
33   having jurisdiction over the alleged offense. Bond may be posted  
34   and forfeited for an offense charged under this section in an  
35   amount equal to the fine imposed by subsection (b) of this section.  
36

37       (b) Any person violating subsection (a) of this section is  
38   guilty of a misdemeanor punishable by a fine of ~~not more than fifty~~  
39   dollars (\$50.00).÷".  
40

41   Page 15-line 2           Delete "twenty-one (21) years of age" and  
42                                  insert "the applicable age restriction".  
43

44   Page 15-line 6           After "under" delete balance of line.  
45

46   Page 15-line 7           Delete "age" and insert "the applicable age  
47                                  restriction".

Page 16-lines 9 through 17 Delete entirely and insert:

"(ii) A minor participating in an inspection relating to tobacco products shall, if questioned, state his true age and that he is less than eighteen (18) years of age. Any person under twenty-one (21) years of age participating in an inspection relating to electronic cigarettes shall, if questioned, state his true age and that he is less than twenty-one (21) years of age;

(iii) For inspections relating to tobacco products, the minor's appearance shall not be altered to make him appear to be eighteen (18) years of age or older. For inspections relating to electronic cigarettes, the appearance of a person under twenty-one (21) years of age shall not be altered to make him appear to be twenty-one (21) years of age or older;".

Page 17-lines 1 through 15 Delete entirely and insert:

"(C) The name and position of the person from whom the participant attempted to purchase tobacco products or electronic cigarettes;

(F) The results of the inspection, including whether the inspection resulted in the sale or distribution of, or offering for sale, tobacco products to the minor or whether the inspection resulted in the sale or distribution of, or offering for sale, electronic cigarettes to a person under twenty-one (21) years of age in violation of law.

(v) Request a law enforcement officer to issue a citation for any illegal acts relating to providing tobacco products to minors during the inspection or to providing electronic cigarettes to persons under twenty-one (21) years in violation of law during the inspection.".

Page 17-line 23 Reinsert all stricken language; delete all new language.

Page 18-lines 1 through 4 Reinsert all stricken language; delete all new language.

Page 18-line 5 After "article." insert "Except as specified under subsection (b) of this section, this article shall not be construed to prohibit the imposition by local law or ordinance of further regulation or prohibition upon the

1           sale, use and possession of electronic  
2           cigarettes to any person under twenty-one (21)  
3           years of age, but the governmental entity  
4           shall not permit or authorize the sale, use or  
5           possession of electronic cigarettes to any  
6           person under twenty-one (21) years of age in  
7           violation of this article.". LAURSEN, LINDHOLM