HOUSE DOCKET, NO. 1948 FILED ON: 1/17/2013

HOUSE . . . . . No. 1601

The Commonwealth of Massachusetts

PRESENTED BY:

Tom Sannicandro

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act to reduce smoking by minors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Tom Sannicandro	*7th Middlesex*

HOUSE DOCKET, NO. 1948 FILED ON: 1/17/2013

HOUSE . . . . . No. 1601

By Mr. Sannicandro of Ashland, a petition (accompanied by bill, House, No. 1601) of Tom Sannicandro relative to the possession of cigarettes or cigarette rolling papers by minors. The Judiciary.

The Commonwealth of Massachusetts

An Act to reduce smoking by minors.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 270 of the General Laws is hereby amended by adding the following section:-

Section 6B. Possession of cigarettes or cigarette rolling papers by minors

Whoever, being under eighteen years of age, knowingly purchases, possesses, transports or carries on his person, any tobacco or cigarette rolling papers, shall be required to enroll in a tobacco education and cessation program, provided, however, that this section shall not apply to a person who knowingly possesses, transports or carries on his person, cigarettes or cigarette rolling papers in the course of his employment. Such tobacco education and cessation program imposed by this section shall be approved by the Massachusetts Tobacco Cessation and Prevention Program.

A police officer shall notify the parent or guardian of a person who violates this section of the violation within forty-eight hours of the violation if the contact information of a parent or guardian is reasonably ascertainable by the officer. The notice may be made by any means reasonably calculated to give actual notice, including notice in person, by telephone, or by first-class mail.

A person who violates this section shall forfeit any tobacco and any false identification in his or her possession upon the request of any police officer.

The court shall treat a violation of this section as a civil infraction. A person complained of for such civil infraction shall be adjudicated responsible upon such finding by the court and shall neither be sentenced to a term of incarceration nor be entitled to appointed counsel pursuant to chapter 211D. An adjudication of responsibility under this section shall not be used in the calculation of second and subsequent offenses under any chapter, nor as the basis for the revocation of parole or of a probation surrender.