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SENATE BILL NO. 1395

Offered January 14, 2025

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-371.2:1, relating to possession of retail tobacco products and hemp products intended for smoking by a person younger than 21 years of age prohibited; penalty.*

Patrons—Peake and Durant; Delegate: Milde

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-371.2:1 as follows:

§ 18.2-371.2:1. Possession of retail tobacco products and hemp products intended for smoking by a person younger than 21 years of age prohibited; penalty.

A. No person younger than 21 years of age shall possess any retail tobacco product or hemp product intended for smoking, as those terms are defined in § 18.2-371.2. A violation of this section is punishable by a civil penalty not to exceed \$100 for a first violation and a civil penalty not to exceed \$250 for a second or subsequent violation. A court may, as an alternative to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20 hours of community service for a first violation of this section and up to 40 hours of community service for a second or subsequent violation. If the defendant fails or refuses to complete the community service as prescribed, the court may impose the civil penalty. Upon a violation of this section, the judge may enter an order pursuant to subdivision A 9 of § 16.1-278.8.

B. The provisions of this section shall not be applicable to the possession of retail tobacco products or hemp products intended for smoking by a person younger than 21 years of age (i) making a delivery of retail tobacco products or hemp products intended for smoking in pursuance of his employment or (ii) as part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in cigarette and tobacco use prevention and cessation and tobacco product regulation, provided that such medical research has been approved by an institutional review board pursuant to applicable federal regulations or by a research review committee pursuant to Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1.

C. This section shall not apply to the possession of retail tobacco products or hemp products intended for smoking by a law-enforcement officer or his agent when the same is necessary in the performance of his duties.

INTRODUCED

SB1395