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SENATE BILL NO. 1146

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on January 22, 2025)

(Patron Prior to Substitute—Senator French)

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-371.2:1, relating to persons under 21 years of age; possession or use of tobacco products or vape products on school grounds, etc.; civil penalties.*

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. Prohibiting possession or use of tobacco products or vape products on school property, etc., by juveniles; civil penalties.

A. No person younger than 21 years of age shall consume or possess, or attempt to consume or possess, any retail tobacco product or vape product, as such terms are defined in § 18.2-371.2, on a school bus, on school property, or at a school-sponsored activity.

B. Each local school board shall implement an educational rehabilitation program for any person who violates subsection A. Upon a second violation by a person within a single school year, any law-enforcement officer may issue a summons for a violation of subsection A and the court shall order such person to complete a plan of up to eight hours of community service. For a third violation within a single school year, such person shall also pay a civil penalty of up to \$50.

For a fourth or subsequent violation within a single school year, punishment shall include a civil penalty of up to \$50 or up to eight hours of community service. However, if such person is younger than 18 years of age, the court shall permit the person's parent or legal guardian to choose between the civil penalty or community service as offered by the court.

For any court appearance required by this subsection, if the person in violation of subsection A is younger than 18 years of age, such person's parent or legal guardian shall be present at all court proceedings.

C. Any civil penalty shall be paid in person at the courthouse for the locality by such person accompanied by a parent or legal guardian. No parent or legal guardian is required to accompany such person if the person is 18 years of age or older and not enrolled at the school where the offense occurred. Any civil penalties collected pursuant to this section shall be deposited into the local treasury.

2. That the Board of Education and each local school board shall update any policies affected by the provisions of this act by July 1, 2026.

SENATE SUBSTITUTE

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