Department of Planning and Budget
2025 General Assembly Session
State Fiscal Impact Statement

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Bill Number: SB1395 **Patron:** Peake
Bill Title: Possession of retail tobacco products and hemp products intended for smoking by a person younger than 21 years of age prohibited; penalty.

Bill Summary: Prohibits any person younger than 21 years of age from possessing any retail tobacco product or hemp product intended for smoking, as those terms are defined in relevant law. A violation of such prohibition 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.

The bill also provides that 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 and up to 40 hours of community service for a second or subsequent violation, but if the defendant fails or refuses to complete the community service as prescribed, the court may impose the civil penalty. Additionally, upon such violation, the judge may enter an order suspending the motor vehicle and driver's license of such person pursuant relevant law.

Budget Amendment Necessary: No. **Items Impacted:** N/A
Explanation: N/A

Fiscal Summary: There is an indeterminate amount of possible civil penalty revenue to the Literary Fund.

Fiscal Analysis: For a first violation and upon motion of the defendant, the bill allows a court to choose between imposing a fine or community service. Any impact to the Courts is indeterminate, as future actions of the Courts cannot be known.

Any civil penalties assessed would be deposited into the Literary Fund. However, it is not possible to estimate either the number of convictions that may result or the amount of each fine that may be assessed under this proposal. Therefore, the impact this bill may have on the Literary Fund cannot be determined.

According to the Cannabis Control Authority (CCA), there is no fiscal impact on CCA.

Other: SB1395 is a companion to HB1558.