

REFERENCE TITLE: tobacco use; minimum age; sale

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

## **HB 2746**

Introduced by  
Representative Blackman

AN ACT

AMENDING SECTIONS 13-3622, 36-798, 36-798.01 AND 36-798.02, ARIZONA  
REVISED STATUTES; RELATING TO TOBACCO.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3622, Arizona Revised Statutes, is amended to  
3 read:

4 13-3622. Tobacco products, vapor products and tobacco or  
5 shisha instruments or paraphernalia; furnishing to  
6 underage person; underage persons buying;  
7 misrepresentation of age by underage persons;  
8 classification; definitions

9 A. A person who knowingly sells, gives or furnishes a tobacco  
10 product, a vapor product or any instrument or paraphernalia that is solely  
11 designed for ~~the~~ smoking or ~~ingestion of~~ **INGESTING** tobacco or shisha,  
12 including a hookah or waterpipe, to a ~~minor~~ **PERSON WHO IS UNDER TWENTY-ONE**  
13 **YEARS OF AGE** is guilty of a petty offense.

14 ~~B. A minor who buys, or has in his possession or knowingly accepts~~  
15 ~~or receives from any person, a tobacco product, a vapor product or any~~  
16 ~~instrument or paraphernalia that is solely designed for the smoking or~~  
17 ~~ingestion of tobacco or shisha, including a hookah or waterpipe, is guilty~~  
18 ~~of a petty offense, and if the offense involves any instrument or~~  
19 ~~paraphernalia that is solely designed for the smoking or ingestion of~~  
20 ~~tobacco or shisha, shall pay a fine of not less than one hundred dollars~~  
21 ~~or perform not less than thirty hours of community restitution.~~

22 ~~C.~~ B. A ~~minor~~ **PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND** who  
23 misrepresents the ~~minor's~~ **PERSON'S** age to any **OTHER** person by means of a  
24 written instrument of identification with the intent to induce the **OTHER**  
25 person to sell, give or furnish a tobacco product, a vapor product or any  
26 instrument or paraphernalia that is solely designed for ~~the~~ smoking or  
27 ~~ingestion of~~ **INGESTING** tobacco or shisha, including a hookah or waterpipe,  
28 in violation of subsection A ~~or B~~ of this section is guilty of a petty  
29 offense and, notwithstanding section 13-802, shall pay a fine of not more  
30 than ~~five hundred dollars~~ **\$500**.

31 ~~D.~~ C. This section does not apply to any of the following:

32 1. Cigars, cigarettes or cigarette papers, smoking or chewing  
33 tobacco or any instrument or paraphernalia that is solely designed for ~~the~~  
34 smoking or ~~ingestion of~~ **INGESTING** tobacco or shisha, including a hookah or  
35 waterpipe, if it is used or intended to be used in connection with a bona  
36 fide practice of a religious belief and as an integral part of a religious  
37 or ceremonial exercise.

38 2. Any instrument or paraphernalia that is solely designed for ~~the~~  
39 smoking or ~~ingestion of~~ **INGESTING** tobacco or shisha, including a hookah or  
40 waterpipe, that is given to or possessed by a ~~minor~~ **PERSON WHO IS UNDER**  
41 **TWENTY-ONE YEARS OF AGE** if the instrument or paraphernalia was a gift or  
42 souvenir and is not used or intended to be used by the ~~minor~~ **PERSON WHO IS**  
43 **UNDER TWENTY-ONE YEARS OF AGE** to smoke or ingest tobacco or shisha.

- 1           ~~E.~~ D. For the purposes of this section:
- 2           1. "Shisha" includes any mixture of tobacco leaf and honey,
- 3 molasses or dried fruit or any other sweetener.
- 4           2. "Tobacco product" means any of the following:
- 5           (a) Cigars.
- 6           (b) Cigarettes.
- 7           (c) Cigarette papers of any kind.
- 8           (d) Smoking tobacco of any kind.
- 9           (e) Chewing tobacco of any kind.
- 10          3. "Vapor product":
- 11          (a) Means a noncombustible tobacco-derived product containing
- 12 nicotine that employs a mechanical heating element, battery or circuit,
- 13 regardless of shape or size, that can be used to heat a liquid nicotine
- 14 solution contained in cartridges. ~~Vapor product~~
- 15          (b) Does not include any product that is regulated by the United
- 16 States food and drug administration under chapter V of the federal food,
- 17 drug, and cosmetic act.
- 18          Sec. 2. Section 36-798, Arizona Revised Statutes, is amended to
- 19 read:
- 20          36-798. Definitions
- 21          In this article, unless the context otherwise requires:
- 22          1. "Bar" means that portion of any premises licensed under section
- 23 4-209, subsection B, paragraph 6, 7, 11, 12 or 14 that is primarily used
- 24 for the selling, consumption or serving of alcoholic beverages and that is
- 25 not primarily used for the consumption of food on the premises.
- 26          2. "Beedies" or "bidis" means a product containing tobacco that is
- 27 wrapped in temburni leaf (diospyros melanoxylon) or tendu leaf (diospyros
- 28 exculpra), ~~or any other product that is offered to,~~ or purchased
- 29 by, ~~consumers as beedies or bidis.~~
- 30          3. "Cigar" means a roll of tobacco or any lawful substitute for
- 31 tobacco that is wrapped in tobacco.
- 32          4. "Cigarette" means a roll of tobacco or any lawful substitute for
- 33 tobacco that is wrapped in paper or in any substance other than tobacco.
- 34          ~~5. "Minor" means a person who is under eighteen years of age.~~
- 35          ~~6.~~ 5. "Retail tobacco vendor" means a person who possesses tobacco
- 36 or tobacco products for the purpose of selling them for consumption and
- 37 not for resale.
- 38          ~~7.~~ 6. "Smokeless tobacco" includes shredded tobacco, snuff,
- 39 cavendish and plug, twist and other tobacco products that are intended for
- 40 oral use but not for smoking.
- 41          ~~8.~~ 7. "Smoking tobacco" includes any tobacco or tobacco product,
- 42 other than cigarettes and cigars, that is intended to be smoked.
- 43          ~~9.~~ 8. "Tobacco products" includes cigarettes, cigarette papers,
- 44 cigars, smokeless tobacco and smoking tobacco.

1           ~~10.~~ 9. "Vending machine" means any mechanical, electrical or  
2 electronic device that, on insertion of money, tokens or any other form of  
3 payment, automatically dispenses tobacco products.

4           Sec. 3. Section 36-798.01, Arizona Revised Statutes, is amended to  
5 read:

6           36-798.01. Selling or giving beedies or bidis; underage  
7 persons; violation; classification

8           A. It is unlawful for a retail tobacco vendor to sell, furnish,  
9 give or provide beedies or bidis to a ~~minor~~ PERSON WHO IS UNDER TWENTY-ONE  
10 YEARS OF AGE in this state.

11           B. Any person who violates this section is guilty of a class 3  
12 misdemeanor.

13           Sec. 4. Section 36-798.02, Arizona Revised Statutes, is amended to  
14 read:

15           36-798.02. Vending machine sales of tobacco and tobacco  
16 products; signage; violation; classification

17           A. A person shall not sell tobacco products through a vending  
18 machine unless the vending machine is located in either:

19           1. A bar.

20           2. An employee lounge area that is not open to the public and the  
21 business in which the lounge area is located does not employ minors.

22           B. A sign measuring at least eighty square inches shall be  
23 obviously affixed to the front of each vending machine. The sign shall  
24 state in block letters, ~~— THAT~~ it is illegal for a ~~minor~~ PERSON WHO IS  
25 UNDER TWENTY-ONE YEARS OF AGE to purchase cigarettes or tobacco products  
26 and, ~~upon~~ ON conviction OF VIOLATING THIS SUBSECTION, a PERSON MAY RECEIVE  
27 A fine of up to ~~three hundred dollars may be imposed~~ \$300.

28           C. This article does not invalidate an ordinance of or prohibit the  
29 adoption of an ordinance by a county, city or town to further restrict the  
30 location of vending machines or specify different wording for the vending  
31 ~~machines~~ MACHINE signs as required by subsection B of this section.

32           D. A person who violates this section is guilty of a petty offense.