

**Amendment No. 730**

Assembly Amendment to Senate Bill No. 177 First Reprint (BDR 5-689)

**Proposed by:** Assembly Committee on Judiciary

**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date			
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) green bold italic underlining is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) green bold underlining is newly added transitory language.

SRT/BFG



Date: 5/21/2013

S.B. No. 177—Prohibits a minor from committing certain acts relating to the possession and use of tobacco products. (BDR 5-689)



SENATE BILL NO. 177—SENATORS SETTELMAYER, HARDY; CEGAVSKE, GOICOECHEA, GUSTAVSON, HAMMOND, HUTCHISON, JONES, KIECKHEFER, SEGERBLOM AND WOODHOUSE

FEBRUARY 20, 2013

JOINT SPONSOR: ASSEMBLYMAN WHEELER

Referred to Committee on Judiciary

SUMMARY—~~Prohibits~~ **Authorizes a board of county commissioners to adopt an ordinance prohibiting** a minor from committing certain acts relating to the possession and use of tobacco products. (BDR 5-689)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to tobacco; **authorizing a board of county commissioners to adopt an ordinance** prohibiting a minor from committing certain acts relating to the possession and use of tobacco products; **revising various provisions relating to tobacco products**; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Section ~~404~~ 17 of this bill **authorizes a board of county commissioners to adopt an**  
2 **ordinance which** prohibits a minor from purchasing or attempting to purchase tobacco  
3 products, possessing or attempting to possess tobacco products, using tobacco products or  
4 falsely representing his or her age to purchase, possess or obtain tobacco products. **Section 4**  
5 of this bill provides that a child may be issued a citation for violating the ~~provisions of~~  
6 ~~section 10, while section~~ **ordinance. Under section 4, a citation for a violation of the**  
7 **ordinance may be issued to a child who is the occupant of a vehicle only if the vehicle is**  
8 **halted or its driver arrested for another offense. Section 3** of this bill provides that a  
9 probation officer may act as a master of the juvenile court if the proceeding involves such a  
10 citation. Under **sections 3.3, 3.7 and 104** 17 of this bill, a child who violates ~~the provisions~~  
11 ~~of section 10,~~ **the ordinance** is a child in need of supervision for the purposes of juvenile  
12 court proceedings rather than a delinquent child.

13 **Section 5** of this bill sets forth the possible ~~punishment~~ **penalties** if a child is  
14 adjudicated to be in need of supervision because the child has committed a violation of  
15 ~~section 10,~~ **the ordinance**. Under **section 5**, the juvenile court may order a child to pay a  
16 \$25 fine for a first adjudication, a \$50 fine for a second adjudication and a \$75 fine for a third  
17 or any subsequent adjudication. If the juvenile court orders a child to pay such a fine, **section**  
18 **5** requires the juvenile court to order the child to pay a \$10 administrative assessment in  
19 addition to the fine. **Section 5** further provides that: (1) for any adjudication that a child is in  
20 need of supervision because the child committed a violation of ~~section 10,~~ **the ordinance,**

21 the juvenile court may order a child to attend a tobacco awareness and cessation program; and  
 22 (2) for a third or any subsequent adjudication or for a willful failure by the child to pay a fine  
 23 or administrative assessment, the juvenile court may order a suspension or delay in the  
 24 issuance of the child's driver's license for at least 30 days but not more than 90 days. Under  
 25 **section 5**, if the juvenile court orders the suspension or delay in the issuance of a child's  
 26 driver's license, the juvenile court may order the Department of Motor Vehicles to issue to the  
 27 child a restricted driver's license that authorizes the child to drive to and from school or work  
 28 or to acquire medicine or food for himself or herself or for an immediate family member.

29 Existing law prohibits various acts related to tobacco or products made from  
 30 tobacco. (NRS 202.2485-202.2497) Sections 11-16 of this bill revise these prohibitions to  
 31 include tobacco or products made or derived from tobacco, and define the term  
 32 "products made or derived from tobacco."

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 62A of NRS is hereby amended by adding thereto a new  
 2 section to read as follows:

3 *"Offense related to tobacco" means a violation of an ordinance adopted by a*  
 4 *board of county commissioners pursuant to section ~~14~~ 17 of this act.*

5 **Sec. 2.** NRS 62A.010 is hereby amended to read as follows:

6 62A.010 As used in this title, unless the context otherwise requires, the words  
 7 and terms defined in NRS 62A.020 to 62A.350, inclusive, *and section 1 of this act*  
 8 have the meanings ascribed to them in those sections.

9 **Sec. 3.** NRS 62B.020 is hereby amended to read as follows:

10 62B.020 1. Except as otherwise provided in this section, the juvenile court  
 11 or the chief judge of the judicial district may appoint any person to act as a master  
 12 of the juvenile court if the person is qualified by previous experience, training and  
 13 demonstrated interest in the welfare of children to act as a master of the juvenile  
 14 court.

15 2. A probation officer shall not act as a master of the juvenile court unless the  
 16 proceeding concerns:

- 17 (a) A minor traffic offense; ~~or~~
- 18 (b) *An offense related to tobacco; or*
- 19 (c) A child who is alleged to be a habitual truant.

20 3. If a person is appointed to act as a master of the juvenile court, the person  
 21 shall attend instruction at the National College of Juvenile and Family Law in  
 22 Reno, Nevada, in a course designed for the training of new judges of the juvenile  
 23 court on the first occasion when such instruction is offered after the person is  
 24 appointed.

25 4. If, for any reason, a master of the juvenile court is unable to act, the  
 26 juvenile court or the chief judge of the judicial district may appoint another  
 27 qualified person to act temporarily as a master of the juvenile court during the  
 28 period that the master who is regularly appointed is unable to act.

29 5. The compensation of a master of the juvenile court:

- 30 (a) May not be taxed against the parties.
- 31 (b) Must be paid out of appropriations made for the expenses of the district  
 32 court, if the compensation is fixed by the juvenile court.

33 **Sec. 3.3.** NRS 62B.320 is hereby amended to read as follows:

34 62B.320 1. Except as otherwise provided in this title, the juvenile court has  
 35 exclusive original jurisdiction in proceedings concerning any child living or found

1 within the county who is alleged or adjudicated to be in need of supervision  
2 because the child:

3 (a) Is subject to compulsory school attendance and is a habitual truant from  
4 school;

5 (b) Habitually disobeys the reasonable and lawful demands of the parent or  
6 guardian of the child and is unmanageable;

7 (c) Deserts, abandons or runs away from the home or usual place of abode of  
8 the child and is in need of care or rehabilitation; ~~to~~

9 (d) Uses an electronic communication device to transmit or distribute a sexual  
10 image of himself or herself to another person or to possess a sexual image in  
11 violation of NRS 200.737 ~~to~~; or

12 *(e) Commits an offense related to tobacco.*

13 2. A child who is subject to the jurisdiction of the juvenile court pursuant to  
14 this section must not be considered a delinquent child.

15 3. As used in this section:

16 (a) "Electronic communication device" has the meaning ascribed to it in NRS  
17 200.737.

18 (b) "Sexual image" has the meaning ascribed to it in NRS 200.737.

19 **Sec. 3.7.** NRS 62B.330 is hereby amended to read as follows:

20 62B.330 1. Except as otherwise provided in this title, the juvenile court has  
21 exclusive original jurisdiction over a child living or found within the county who is  
22 alleged or adjudicated to have committed a delinquent act.

23 2. For the purposes of this section, a child commits a delinquent act if the  
24 child:

25 (a) Violates a county or municipal ordinance ~~to~~ *other than an offense related*  
26 *to tobacco;*

27 (b) Violates any rule or regulation having the force of law; or

28 (c) Commits an act designated a criminal offense pursuant to the laws of the  
29 State of Nevada ~~to~~ *other than an offense related to tobacco.*

30 3. For the purposes of this section, each of the following acts shall be deemed  
31 not to be a delinquent act, and the juvenile court does not have jurisdiction over a  
32 person who is charged with committing such an act:

33 (a) Murder or attempted murder and any other related offense arising out of the  
34 same facts as the murder or attempted murder, regardless of the nature of the  
35 related offense.

36 (b) Sexual assault or attempted sexual assault involving the use or threatened  
37 use of force or violence against the victim and any other related offense arising out  
38 of the same facts as the sexual assault or attempted sexual assault, regardless of the  
39 nature of the related offense, if:

40 (1) The person was 16 years of age or older when the sexual assault or  
41 attempted sexual assault was committed; and

42 (2) Before the sexual assault or attempted sexual assault was committed,  
43 the person previously had been adjudicated delinquent for an act that would have  
44 been a felony if committed by an adult.

45 (c) An offense or attempted offense involving the use or threatened use of a  
46 firearm and any other related offense arising out of the same facts as the offense or  
47 attempted offense involving the use or threatened use of a firearm, regardless of the  
48 nature of the related offense, if:

49 (1) The person was 16 years of age or older when the offense or attempted  
50 offense involving the use or threatened use of a firearm was committed; and

51 (2) Before the offense or attempted offense involving the use or threatened  
52 use of a firearm was committed, the person previously had been adjudicated  
53 delinquent for an act that would have been a felony if committed by an adult.

1 (d) A felony resulting in death or substantial bodily harm to the victim and any  
2 other related offense arising out of the same facts as the felony, regardless of the  
3 nature of the related offense, if:

4 (1) The felony was committed on the property of a public or private school  
5 when pupils or employees of the school were present or may have been present, at  
6 an activity sponsored by a public or private school or on a school bus while the bus  
7 was engaged in its official duties; and

8 (2) The person intended to create a great risk of death or substantial bodily  
9 harm to more than one person by means of a weapon, device or course of action  
10 that would normally be hazardous to the lives of more than one person.

11 (e) A category A or B felony and any other related offense arising out of the  
12 same facts as the category A or B felony, regardless of the nature of the related  
13 offense, if the person was at least 16 years of age but less than 18 years of age when  
14 the offense was committed, and:

15 (1) The person is not identified by law enforcement as having committed  
16 the offense and charged before the person is at least 20 years, 3 months of age, but  
17 less than 21 years of age; or

18 (2) The person is not identified by law enforcement as having committed  
19 the offense until the person reaches 21 years of age.

20 (f) Any other offense if, before the offense was committed, the person  
21 previously had been convicted of a criminal offense.

22 **Sec. 4.** Chapter 62C of NRS is hereby amended by adding thereto a new  
23 section to read as follows:

24 *1. If a child is stopped or otherwise detained by a peace officer for an*  
25 *offense related to tobacco, the peace officer may prepare and issue a citation in*  
26 *the same manner in which a traffic citation is prepared and issued pursuant to*  
27 *NRS 62C.070.*

28 *2. If a child who is issued a citation for an offense related to tobacco*  
29 *executes a written promise to appear in court by signing the citation, the peace*  
30 *officer:*

31 *(a) Shall deliver a copy of the citation to the child; and*

32 *(b) Shall not take the child into physical custody for the violation.*

33 *3. A citation for an offense related to tobacco may be issued to a child who*  
34 *is an occupant of a vehicle pursuant to this section only if the violation is*  
35 *discovered when the vehicle is halted or its driver is arrested for another alleged*  
36 *violation or offense.*

37 **Sec. 5.** Chapter 62E of NRS is hereby amended by adding thereto a new  
38 section to read as follows:

39 *1. If a child is adjudicated to be in need of supervision because the child*  
40 *has committed an offense related to tobacco, the juvenile court may:*

41 *(a) The first time the child is adjudicated to be in need of supervision*  
42 *because the child has committed an offense related to tobacco, order the child to:*

43 *(1) Pay a fine of \$25; and*

44 *(2) Attend and complete a tobacco awareness and cessation program.*

45 *(b) The second time the child is adjudicated to be in need of supervision*  
46 *because the child has committed an offense related to tobacco, order the child to:*

47 *(1) Pay a fine of \$50; and*

48 *(2) Attend and complete a tobacco awareness and cessation program.*

49 *(c) The third or any subsequent time the child is adjudicated to be in need of*  
50 *supervision because the child has committed an offense related to tobacco, order:*

51 *(1) The child to pay a fine of \$75;*

52 *(2) The child to attend and complete a tobacco awareness and cessation*  
53 *program; and*

1           (3) *That the driver's license of the child be suspended for at least 30 days*  
2 *but not more than 90 days or, if the child does not possess a driver's license,*  
3 *prohibit the child from receiving a driver's license for at least 30 days but not*  
4 *more than 90 days:*

5           (I) *Immediately following the date of the order, if the child is eligible*  
6 *to receive a driver's license.*

7           (II) *After the date the child becomes eligible to apply for a driver's*  
8 *license, if the child is not eligible to receive a license on the date of the order.*

9           2. *If the juvenile court orders a child to attend and complete a tobacco*  
10 *awareness and cessation program, the juvenile court may order the child or the*  
11 *parent or guardian of the child, or both, to pay the reasonable cost for the child to*  
12 *attend the program.*

13           3. *If the juvenile court orders a child to pay a fine pursuant to this section,*  
14 *the juvenile court shall order the child to pay an administrative assessment*  
15 *pursuant to NRS 62E.270.*

16           4. *If the juvenile court orders a child to pay a fine and administrative*  
17 *assessment pursuant to this section and the child willfully fails to pay the fine or*  
18 *administrative assessment, the juvenile court may order that the driver's license*  
19 *of the child be suspended for at least 30 days but not more than 90 days or, if the*  
20 *child does not possess a driver's license, prohibit the child from receiving a*  
21 *driver's license for at least 30 days but not more than 90 days:*

22           (a) *Immediately following the date of the order, if the child is eligible to*  
23 *receive a driver's license.*

24           (b) *After the date the child becomes eligible to apply for a driver's license, if*  
25 *the child is not eligible to receive a license on the date of the order.*

26           ↪ *If the child is already the subject of a court order suspending or delaying the*  
27 *issuance of the driver's license of the child, the juvenile court shall order the*  
28 *additional suspension or delay, as appropriate, to apply consecutively with the*  
29 *previous order.*

30           5. *If the juvenile court suspends the driver's license of a child pursuant to*  
31 *this section, the juvenile court may order the Department of Motor Vehicles to*  
32 *issue a restricted driver's license pursuant to NRS 483.490 permitting the child to*  
33 *drive a motor vehicle:*

34           (a) *To and from work or in the course of his or her work, or both;*

35           (b) *To and from school; or*

36           (c) *To acquire supplies of medicine or food or receive regularly scheduled*  
37 *medical care for himself, herself or a member of his or her immediate family.*

38           **Sec. 6.** NRS 62E.270 is hereby amended to read as follows:

39           62E.270 1. If the juvenile court imposes a fine against:

40           (a) A delinquent child pursuant to NRS 62E.730;

41           (b) A child who has committed a minor traffic offense, except an offense  
42 related to metered parking, pursuant to NRS 62E.700; or

43           (c) A child in need of supervision, or the parent or guardian of the child,  
44 because the child is a habitual truant pursuant to NRS 62E.430,

45           ↪ the juvenile court shall order the child or the parent or guardian of the child to  
46 pay an administrative assessment of \$10 in addition to the fine.

47           2. *If, pursuant to section 5 of this act, the juvenile court imposes a fine*  
48 *against a child who has committed an offense related to tobacco, the juvenile*  
49 *court shall order the child to pay an administrative assessment of \$10 in addition*  
50 *to the fine.*

51           3. The juvenile court shall state separately on its docket the amount of money  
52 that the juvenile court collects for the administrative assessment.

~~4.~~ 4. If the child is found not to have committed the alleged act or the charges are dropped, the juvenile court shall return to the child or the parent or guardian of the child any money deposited with the juvenile court for the administrative assessment.

~~5.~~ 5. On or before the fifth day of each month for the preceding month, the clerk of the court shall pay to the county treasurer the money the juvenile court collects for administrative assessments.

~~6.~~ 6. On or before the 15th day of each month, the county treasurer shall deposit the money in the county general fund for credit to a special account for the use of the county's juvenile court or for services to delinquent children.

**Sec. 6.5.** NRS 62E.400 is hereby amended to read as follows:

62E.400 1. The provisions of this section and NRS 62E.410, 62E.420 and 62E.430 **and section 5 of this act** apply to the disposition of a case involving a child who is found to be within the purview of this title because the child is or is alleged to be in need of supervision.

2. If such a child is found to be within the purview of this title:

(a) The juvenile court may issue any orders or take any actions set forth in NRS 62E.410, 62E.420 and 62E.430 **and section 5 of this act** that the juvenile court deems proper for the disposition of the case; and

(b) If required by a specific statute, the juvenile court shall issue the appropriate orders or take the appropriate actions set forth in the statute.

**Sec. 7.** (Deleted by amendment.)

**Sec. 8.** (Deleted by amendment.)

**Sec. 9.** (Deleted by amendment.)

**Sec. 10.** ~~[Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Except as otherwise provided in this section, a child who is under the age of 18 years shall not:~~

~~(a) Purchase or attempt to purchase tobacco products;~~

~~(b) Possess or attempt to possess tobacco products;~~

~~(c) Use tobacco products; or~~

~~(d) Falsely represent that he or she is 18 years of age or older to purchase, possess or obtain tobacco products.~~

~~2. A child who is under the age of 18 years and who violates the provisions of this section:~~

~~(a) Commits an offense related to tobacco and is subject to the provisions of section 5 of this act.~~

~~(b) Is a child in need of supervision, as that term is used in title 5 of NRS, and is not a delinquent child.~~

~~3. The provisions of this section do not apply to a child who is under the age of 18 years and who is:~~

~~(a) Assisting in an inspection pursuant to NRS 202.2496;~~

~~(b) Handling or transporting tobacco products in the course of his or her lawful employment; or~~

~~(c) Handling or transporting tobacco products in the presence of his or her parent, spouse or legal guardian who is 18 years of age or older.~~

~~4. As used in this section, "tobacco products" means cigarettes, cigarette paper, tobacco of any description or products made from tobacco. (Deleted by amendment.)~~

**Sec. 11.** NRS 202.2485 is hereby amended to read as follows:

202.2485 As used in NRS 202.2485 to 202.2497, inclusive: ~~f, and section 10 of this act;~~

1 1. "Distribute" includes furnishing, giving away or providing products made  
2 or derived from tobacco or samples thereof at no cost to promote the product,  
3 whether or not in combination with a sale.

4 2. "Health authority" means the district health officer in a district, or his or  
5 her designee, or, if none, the State Health Officer, or his or her designee.

6 3. "Product made or derived from tobacco" does not include any product  
7 regulated by the United States Food and Drug Administration pursuant to  
8 Chapter V of the Federal Food, Drug, and Cosmetics Act, 21 U.S.C. §§ 351 et  
9 seq.

10 **Sec. 12. NRS 202.249 is hereby amended to read as follows:**

11 202.249 1. It is the public policy of the State of Nevada and the purpose of  
12 NRS 202.2491, 202.24915 and 202.2492 to place restrictions on the smoking of  
13 tobacco in public places to protect human health and safety.

14 2. The quality of air is declared to be affected with the public interest and  
15 NRS 202.2491, 202.24915 and 202.2492 are enacted in the exercise of the police  
16 power of this state to protect the health, peace, safety and general welfare of its  
17 people.

18 3. Health authorities, police officers of cities or towns, sheriffs and their  
19 deputies and other peace officers of this state shall, within their respective  
20 jurisdictions, enforce the provisions of NRS 202.2491, 202.24915 and 202.2492.  
21 Police officers of cities or towns, sheriffs and their deputies and other peace officers  
22 of this state shall, within their respective jurisdictions, enforce the provisions of  
23 NRS 202.2493, 202.24935 and 202.2494.

24 4. Except as otherwise provided in subsection 5, an agency, board,  
25 commission or political subdivision of this state, including, without limitation, any  
26 agency, board, commission or governing body of a local government, shall not  
27 impose more stringent restrictions on the smoking, use, sale, distribution,  
28 marketing, display or promotion of tobacco or products made or derived from  
29 tobacco than are provided by NRS 202.2491, 202.24915, 202.2492, 202.2493,  
30 202.24935 and 202.2494.

31 5. A school district may, with respect to the property, buildings, facilities and  
32 vehicles of the school district, impose more stringent restrictions on the smoking,  
33 use, sale, distribution, marketing, display or promotion of tobacco or products made  
34 or derived from tobacco than are provided by NRS 202.2491, 202.24915, 202.2492,  
35 202.2493, 202.24935 and 202.2494.

36 **Sec. 13. NRS 202.2493 is hereby amended to read as follows:**

37 202.2493 1. A person shall not sell, distribute or offer to sell cigarettes or  
38 smokeless products made or derived from tobacco in any form other than in an  
39 unopened package which originated with the manufacturer and bears any health  
40 warning required by federal law. A person who violates this subsection shall be  
41 punished by a fine of \$100 and a civil penalty of \$100.

42 2. Except as otherwise provided in subsections 3, 4 and 5, it is unlawful for  
43 any person to sell, distribute or offer to sell cigarettes, cigarette paper, tobacco of  
44 any description or products made or derived from tobacco to any child under the  
45 age of 18 years. A person who violates this subsection shall be punished by a fine  
46 of not more than \$500 and a civil penalty of not more than \$500.

47 3. A person shall be deemed to be in compliance with the provisions of  
48 subsection 2 if, before the person sells, distributes or offers to sell to another,  
49 cigarettes, cigarette paper, tobacco of any description or products made or derived  
50 from tobacco, the person:

51 (a) Demands that the other person present a valid driver's license or other  
52 written or documentary evidence which shows that the other person is 18 years of  
53 age or older;



1 (b) Is presented a valid driver's license or other written or documentary  
2 evidence which shows that the other person is 18 years of age or older; and

3 (c) Reasonably relies upon the driver's license or written or documentary  
4 evidence presented by the other person.

5 4. The employer of a child who is under 18 years of age may, for the purpose  
6 of allowing the child to handle or transport tobacco or products made or derived  
7 from tobacco in the course of the child's lawful employment, provide tobacco or  
8 products made or derived from tobacco to the child.

9 5. With respect to any sale made by an employee of a retail establishment, the  
10 owner of the retail establishment shall be deemed to be in compliance with the  
11 provisions of subsection 2 if the owner:

12 (a) Had no actual knowledge of the sale; and

13 (b) Establishes and carries out a continuing program of training for employees  
14 which is reasonably designed to prevent violations of subsection 2.

15 6. The owner of a retail establishment shall, whenever any product made or  
16 derived from tobacco is being sold or offered for sale at the establishment, display  
17 prominently at the point of sale:

18 (a) A notice indicating that:

19 (1) The sale of cigarettes and other tobacco products to minors is  
20 prohibited by law; and

21 (2) The retailer may ask for proof of age to comply with this prohibition;  
22 and

23 (b) At least one sign that complies with the requirements of NRS 442.340.

24 ↪ A person who violates this subsection shall be punished by a fine of not more  
25 than \$100.

26 7. It is unlawful for any retailer to sell cigarettes through the use of any type  
27 of display:

28 (a) Which contains cigarettes and is located in any area to which customers are  
29 allowed access; and

30 (b) From which cigarettes are readily accessible to a customer without the  
31 assistance of the retailer,

32 ↪ except a vending machine used in compliance with NRS 202.2494. A person  
33 who violates this subsection shall be punished by a fine of not more than \$500.

34 8. Any money recovered pursuant to this section as a civil penalty must be  
35 deposited in a separate account in the State General Fund to be used for the  
36 enforcement of this section and NRS 202.2494.

37 **Sec. 14. NRS 202.24935 is hereby amended to read as follows:**

38 202.24935 1. It is unlawful for a person to knowingly sell or distribute  
39 cigarettes, cigarette paper, tobacco of any description or products made or derived  
40 from tobacco to a child under the age of 18 years through the use of the Internet.

41 2. A person who violates the provisions of subsection 1 shall be punished by a  
42 fine of not more than \$500 and a civil penalty of not more than \$500. Any money  
43 recovered pursuant to this section as a civil penalty must be deposited in the same  
44 manner as money is deposited pursuant to subsection 8 of NRS 202.2493.

45 3. Every person who sells or distributes cigarettes, cigarette paper, tobacco of  
46 any description or products made or derived from tobacco through the use of the  
47 Internet shall adopt a policy to prevent a child under the age of 18 years from  
48 obtaining cigarettes, cigarette paper, tobacco of any description or products made  
49 or derived from tobacco from the person through the use of the Internet. The policy  
50 must include, without limitation, a method for ensuring that the person who delivers  
51 such items obtains the signature of a person who is over the age of 18 years when  
52 delivering the items, that the packaging or wrapping of the items when they are  
53 shipped is clearly marked with the word "cigarettes" or the words "tobacco

1 products,” and that the person complies with the provisions of 15 U.S.C. § 376. A  
2 person who fails to adopt a policy pursuant to this subsection is guilty of a  
3 misdemeanor and shall be punished by a fine of not more than \$500.

4 **Sec. 15. NRS 202.2494 is hereby amended to read as follows:**

5 202.2494 1. A cigarette vending machine may be placed in a public area  
6 only if persons who are under 21 years of age are prohibited from loitering in that  
7 area pursuant to NRS 202.030 or 463.350.

8 2. A coin-operated vending machine containing cigarettes must not be used to  
9 dispense any product not made or derived from tobacco.

10 **Sec. 16. NRS 202.2496 is hereby amended to read as follows:**

11 202.2496 1. As necessary to comply with applicable federal law, the  
12 Attorney General shall conduct random, unannounced inspections at locations  
13 where tobacco and products made or derived from tobacco are sold, distributed or  
14 offered for sale to inspect for and enforce compliance with NRS 202.2493 and  
15 202.2494. For assistance in conducting any such inspection, the Attorney General  
16 may contract with:

17 (a) Any sheriff’s department;

18 (b) Any police department; or

19 (c) Any other person who will, in the opinion of the Attorney General, perform  
20 the inspection in a fair and impartial manner.

21 2. If the inspector desires to enlist the assistance of a child under the age of 18  
22 for such an inspection, the inspector shall obtain the written consent of the child’s  
23 parent for such assistance.

24 3. A child assisting in an inspection pursuant to this section shall, if  
25 questioned about his or her age, state his or her true age and that he or she is under  
26 18 years of age.

27 4. If a child is assisting in an inspection pursuant to this section, the person  
28 supervising the inspection shall:

29 (a) Refrain from altering or attempting to alter the child’s appearance to make  
30 the child appear to be 18 years of age or older.

31 (b) Photograph the child immediately before the inspection is to occur and  
32 retain any photographs taken of the child pursuant to this paragraph.

33 5. The person supervising an inspection using the assistance of a child shall,  
34 within a reasonable time after the inspection is completed:

35 (a) Inform a representative of the business establishment from which the child  
36 attempted to purchase tobacco or products made or derived from tobacco that an  
37 inspection has been performed and the results of that inspection.

38 (b) Prepare a report regarding the inspection. The report must include the  
39 following information:

40 (1) The name of the person who supervised the inspection and that  
41 person’s position;

42 (2) The age and date of birth of the child who assisted in the inspection;

43 (3) The name and position of the person from whom the child attempted to  
44 purchase tobacco or products made or derived from tobacco;

45 (4) The name and address of the establishment at which the child attempted  
46 to purchase tobacco or products made or derived from tobacco;

47 (5) The date and time of the inspection; and

48 (6) The result of the inspection, including whether the inspection resulted  
49 in the sale, distribution or offering for sale of tobacco or products made or derived  
50 from tobacco to the child.

51 6. No civil or criminal action based upon an alleged violation of NRS  
52 202.2493 or 202.2494 may be brought as a result of an inspection for compliance in

1 which the assistance of a child has been enlisted unless the inspection has been  
2 conducted in accordance with the provisions of this section.

3 Sec. 17. Chapter 244 of NRS is hereby amended by adding thereto a new  
4 section to read as follows:

5 1. A board of county commissioners may adopt an ordinance to establish an  
6 offense related to tobacco that may include provisions which prohibit a child who  
7 is under the age of 18 years from:

8 (a) Purchasing or attempting to purchase tobacco products;

9 (b) Possessing or attempting to possess tobacco products;

10 (c) Using tobacco products; or

11 (d) Falsely representing that he or she is 18 years of age or older to  
12 purchase, possess or obtain tobacco products.

13 2. An ordinance adopted pursuant to this section must provide that the  
14 provisions of the ordinance do not apply to a child who is under the age of 18  
15 years and who is:

16 (a) Assisting in an inspection pursuant to NRS 202.2496;

17 (b) Handling or transporting tobacco products in the course of his or her  
18 lawful employment;

19 (c) Handling or transporting tobacco products in the presence of his or her  
20 parent, spouse or legal guardian who is 18 years of age or older; or

21 (d) Possessing or using tobacco products for an established religious  
22 purpose.

23 3. As used in this section, "tobacco products" means cigarettes, cigarette  
24 paper, tobacco of any description or products made or derived from tobacco. As  
25 used in this subsection, the term "products made or derived from tobacco" does  
26 not include any product regulated by the United States Food and Drug  
27 Administration pursuant to Chapter V of the Federal Food, Drug, and Cosmetics  
28 Act, 21 U.S.C. §§ 351 et seq.