

## TOBACCO-RELATED OFFENSES INVOLVING MINORS

### Texas Health & Safety Code § 161.252 (a)(1)

OFFENSE	FINE/PENALTY
Possession of Cigarette or Tobacco Product	<ul style="list-style-type: none"><li>★ Fine \$1-\$250</li><li>★ Mandatory Tobacco Awareness Course within 90 days</li><li>OR</li><li>★ If course is not available 8 – 12 hours of tobacco-related community service within 90 days</li></ul> <p>If completion is not submitted within the specified period, defendant's driver's license shall be suspended up to 180 days.</p>
Purchase of Cigarette or Tobacco Product	Same as Above
Consumption of Cigarette or Tobacco Product	Same as Above
Receipt/Accept of Cigarette or Tobacco Product	Same as Above
False Representation of Age by Displaying False ID to obtain Cigarettes or Tobacco Product	Same as Above

## *Texas Health & Safety Code*

### **§ 161.252. POSSESSION, PURCHASE, CONSUMPTION, OR RECEIPT OF CIGARETTES OR TOBACCO PRODUCTS BY MINORS PROHIBITED.**

An individual who is younger than 18 years of age commits an offense if the individual possesses, purchases, consumes, or accepts a cigarette or tobacco product or falsely represents himself or herself to be 18 years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the individual's own age in order to obtain possession of, purchase, or receive a cigarette or tobacco product.

### **§ 161.253. TOBACCO AWARENESS PROGRAM; COMMUNITY SERVICE.**

On conviction of an individual for an offense under Section 161.252, the court shall suspend execution of sentence and shall require the defendant to attend a tobacco awareness program approved by the commissioner not later than the 90th day after the date of a conviction. The court may require the parent or guardian of the defendant to attend the tobacco awareness program with the defendant.

If the defendant resides in a area in which access to a tobacco awareness program is not readily available, the court shall require the defendant to perform 8 to 12 hours of tobacco-related community service instead of attending the tobacco awareness program.

To find a tobacco awareness course near you go on-line at:

<http://www.dshs.state.tx.us/tobacco/tytap.shtm>.

### **§ 161.254. DRIVER'S LICENSE SUSPENSION OR DENIAL.**

If the defendant does not provide the evidence of the tobacco awareness within the period specified, the court shall order the Department of Public Safety to suspend or deny issuance of any driver's license or permit to the defendant up to 180 days.

### **§ 161.255. EXPUNGEMENT OF CONVICTION.**

An individual convicted of an offense under Section 161.252 may apply to the court to have the conviction expunged. If the court finds that the individual satisfactorily complied with the courts order, the court shall order the conviction and any complaint, verdict, sentence, or other document to be expunged from the individual's record. The court shall charge an applicant fee in the amount of \$30.