

**Information Alert**

# Youth Access To Tobacco Prevention Act of 2006

Signed into law  
February 21, 2006  
Effective date  
August 21, 2006

## WHAT DOES IT DO?

- Makes it unlawful to sell, furnish, give, distribute, purchase for, or provide a tobacco product to a minor under the age of 18 years
- Makes it unlawful to sell a tobacco product to an individual who does not present proof of age upon demand
- Makes it unlawful to sell a tobacco product through a vending machine, unless it is either (a) located in an establishment which is only open to individuals who are 18 or older, or b) where the vending machine is under continuous control by the owner/licensee of the premises
- Makes it unlawful for a minor under the age of 18 to purchase, possess, or attempt to possess a tobacco product OR present false proof of age in order to purchase a tobacco product

## Enforcement for those who sell to minors under age 18

- ❖ All offenses are misdemeanors
- ❖ Violators first offense, \$100 fine
- ❖ Second offense occurring within three years of the first, \$200 fine
- ❖ Third or subsequent offense occurring within three years of the first, \$300 fine
- ❖ May be required to attend a DAODAS approved Merchant Education program in lieu of fine

## Enforcement for minors under age 18 in violation

- ❖ All offenses are civil fines
- ❖ Violators are subject to a \$25 fine
- ❖ May complete a DHEC approved prevention or cessation program or complete 5 hours of community service in lieu of fine
- ❖ A listing of approved programs is available on the Division of Tobacco Prevention and Control's web page, [www.scdhec.net/tobacco](http://www.scdhec.net/tobacco)
- ❖ Does not affect participation in state college or university financial assistance programs
- ❖ Jurisdiction to hear a violation is vested in municipal or magistrate's court and is placed on docket for traffic violations
- ❖ Law enforcement officers may issue uniform traffic tickets for violations of this law

For more information, please contact Beth Mackinem with Department of Education at (803) 734-6905 ([bmackine@sde.state.sc.us](mailto:bmackine@sde.state.sc.us)) or Sharon Biggers with SC Department of Health and Environmental Control at (803) 545-4461 ([Biggersr@dhec.sc.gov](mailto:Biggersr@dhec.sc.gov)).