

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1149 be amended to read as follows:

- 1           Page 8, after line 38, begin a new paragraph and insert:  
2           "SECTION 9. IC 35-46-1-11.9 IS ADDED TO THE INDIANA  
3           CODE AS A NEW SECTION READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2012]: **Sec. 11.9. Except as provided in subsection (b) or  
5           for a transaction to a retail business, a person may not sell or  
6           distribute tobacco.**  
7           **(b) A person may sell or distribute tobacco at the following  
8           times:**  
9           **(1) between 1 a.m. and 5 a.m. on Saturday or Sunday;**  
10           **(2) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday,  
11           or Thursday; or**  
12           **(3) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday,  
13           or Friday.**  
14           **(c) A person that sells or distributes tobacco at times not  
15           allowed under this section commits a Class C infraction.**  
16           **Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction  
17           committed under this section must be imposed as follows:**  
18           **(1) If the person has not been issued a citation or summons for  
19           a violation of this section in the previous one hundred eighty  
20           (180) days, a civil penalty of up to two hundred dollars (\$200).**  
21           **(2) If the person has had one (1) citation or summons issued  
22           for a violation of this section in the previous one hundred  
23           eighty (180) days, a civil penalty of up to four hundred dollars  
24           (\$400).**  
25           **(3) If the person has had two (2) citations or summonses  
26           issued for a violation of this section in the previous one  
27           hundred eighty (180) days, a civil penalty of up to seven  
28           hundred dollars (\$700).**  
29           **(4) If the person has had three (3) or more citations or  
30           summonses issued for a violation of this section in the**

1           **previous one hundred eighty (180) days, a civil penalty of up**  
2           **to one thousand dollars (\$1,000).**  
3           **A person may not be issued a citation or summons for a violation**  
4           **of this section more than once every twenty-four (24) hours.**  
5           **(d) Notwithstanding IC 34-28-5-5(c), civil penalties collected**  
6           **under this section must be deposited in the Richard D. Doyle youth**  
7           **tobacco education and enforcement fund established under**  
8           **IC 7.1-6-2-6.**  
9           **(e) A person who violates this section at least six (6) times in any**  
10           **one hundred eighty (180) day period commits a Class B**  
11           **infraction."**  
12           Renumber all SECTIONS consecutively.  
              (Reference is to EHB 1149 as printed February 24, 2012.)

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Senator BUCK