

IC 7.1-6-2

Chapter 2. Youth Tobacco Law Enforcement Authority

IC 7.1-6-2-0.3

Intent of general assembly regarding implementation and enforcement of article

Sec. 0.3. It is the intent of the general assembly that this article be:

- (1) implemented in an equitable and a uniform manner throughout Indiana; and
- (2) enforced to ensure the eligibility for and receipt of any federal funds or grants that the state receives or may receive relating to P.L.256-1996.

As added by P.L.220-2011, SEC.181.

IC 7.1-6-2-0.4

Payment of penalties under section 8 of chapter; no imposition of late payment penalties; conditions

Sec. 0.4. Notwithstanding the addition of section 8 of this chapter by P.L.204-2001, a person may pay a civil penalty:

- (1) to which section 8 of this chapter, as added by P.L.204-2001, applies; and
- (2) that was imposed by a court before July 1, 2001;

before August 1, 2001, without the imposition of a late payment penalty or interest under section 8 of this chapter, as added by P.L.204-2001. After July 30, 2001, late payment penalties and interest shall be added to the civil penalty as if section 8 of this chapter, as added by P.L.204-2001, were in effect on the date that the civil penalty was imposed.

As added by P.L.220-2011, SEC.182.

IC 7.1-6-2-1

Enforcement

Sec. 1. The commission, an Indiana law enforcement agency, the office of the sheriff of a county, or an organized police department of a municipal corporation may enforce this article to the extent necessary to ensure the state's compliance with:

- (1) Section 1926 of the Public Health Service Act (42 U.S.C. 300x-26); and
- (2) implementing regulations promulgated by the United States Department of Health and Human Services.

As added by P.L.256-1996, SEC.2.

IC 7.1-6-2-2

Unannounced inspections

Sec. 2. The division of mental health and addiction established under IC 12-21 shall coordinate the conduct of random unannounced inspections at locations where tobacco products are sold or distributed to ensure compliance with this article. Only the commission, an Indiana law enforcement agency, the office of the sheriff of a county, or an organized police department of a municipal

corporation may conduct the random unannounced inspections. These entities may use retired or off-duty law enforcement officers to conduct inspections under this section.

As added by P.L.256-1996, SEC.2. Amended by P.L.215-2001, SEC.13.

IC 7.1-6-2-3

Sale of cigarettes without health warning prohibited

Sec. 3. (a) It is unlawful for a person to sell cigarettes other than in an unopened package originating with the manufacturer that bears the health warning required by federal law.

(b) A person who violates this section commits a Class C infraction.

As added by P.L.256-1996, SEC.2.

IC 7.1-6-2-4

Participation by minor in enforcement action

Sec. 4. (a) An enforcement officer vested with full police powers and duties may engage a person less than eighteen (18) years of age as part of an enforcement action under this article if the initial or contemporaneous receipt or purchase of a tobacco product by a person less than eighteen (18) years of age occurs under the direction of an enforcement officer vested with full police powers and duties and is part of the enforcement action.

(b) An enforcement officer vested with full police powers and duties shall not:

(1) recruit or attempt to recruit a person less than eighteen (18) years of age to participate in an enforcement action under subsection (a) at the scene of a violation of section 2 of this chapter; or

(2) allow a person less than eighteen (18) years of age to purchase or receive a tobacco product as part of an enforcement action under subsection (a) without the written permission of the person's parents or legal guardians.

As added by P.L.256-1996, SEC.2.

IC 7.1-6-2-5

Annual report

Sec. 5. The division of mental health and addiction established under IC 12-21 shall annually prepare for submission to the Secretary of the United States Department of Health and Human Services the report required by Section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) and implementing regulations promulgated under that act.

As added by P.L.256-1996, SEC.2. Amended by P.L.215-2001, SEC.14.

IC 7.1-6-2-6

Youth tobacco education and enforcement fund

Sec. 6. (a) The Richard D. Doyle youth tobacco education and

enforcement fund is established. The fund shall be administered by the commission.

(b) Expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) Money in the fund shall be used for the following purposes:

(1) For youth smoking prevention education. The commission may contract with the state department of health or the office of the secretary of family and social services for youth smoking prevention education programs.

(2) For education and training of retailers who sell tobacco products. The commission may contract with education and training programs of the office of the secretary of family and social services, the division of mental health and addiction, enforcement officers, or a program approved by the commission.

(3) For the commission, for enforcement of youth tobacco laws.

As added by P.L.177-1999, SEC.9. Amended by P.L.204-2001, SEC.57; P.L.215-2001, SEC.15; P.L.1-2002, SEC.36; P.L.252-2003, SEC.5.

IC 7.1-6-2-8

Payment of civil penalties; late penalties; interest

Sec. 8. (a) This section applies whenever a civil penalty payable to the Richard D. Doyle youth tobacco education and enforcement fund is imposed.

(b) The person liable for the civil penalty shall pay the full amount of the civil penalty to the commission within thirty (30) days after final judgment.

(c) A person who fails to pay a civil penalty within the time specified in subsection (b) is liable for a late penalty equal to the greater of the following:

(1) Twenty-five percent (25%) of the amount of the civil penalty imposed under IC 35-46-1.

(2) The lesser of the following:

(A) Twenty-five dollars (\$25) multiplied by the number of days that have elapsed after the date that the civil penalty was imposed by a court.

(B) Five thousand dollars (\$5,000).

(d) A person who fails to pay a civil penalty within the time specified in subsection (b) is liable for interest on the unpaid amount of the:

(1) civil penalty imposed by a court; and

(2) late penalty imposed under this section.

The interest rate is the adjusted rate of interest as determined under IC 6-8.1-10-1 payable from the date that payment of the amount was

due.

(e) A person who fails to pay a civil penalty within the time specified in subsection (b) is liable for the reasonable documented out-of-pocket expenses incurred in pursuing collection efforts.

(f) The commission shall collect the following:

(1) Civil penalties imposed by a court.

(2) Late penalties imposed under this section.

(3) Interest imposed under this section.

(4) Reasonable documented out-of-pocket expenses incurred in pursuing collection efforts.

(g) Late penalties and interest imposed under this section shall be deposited in the Richard D. Doyle youth tobacco education and enforcement fund established by section 6 of this chapter.

As added by P.L.204-2001, SEC.58. Amended by P.L.252-2003, SEC.6.