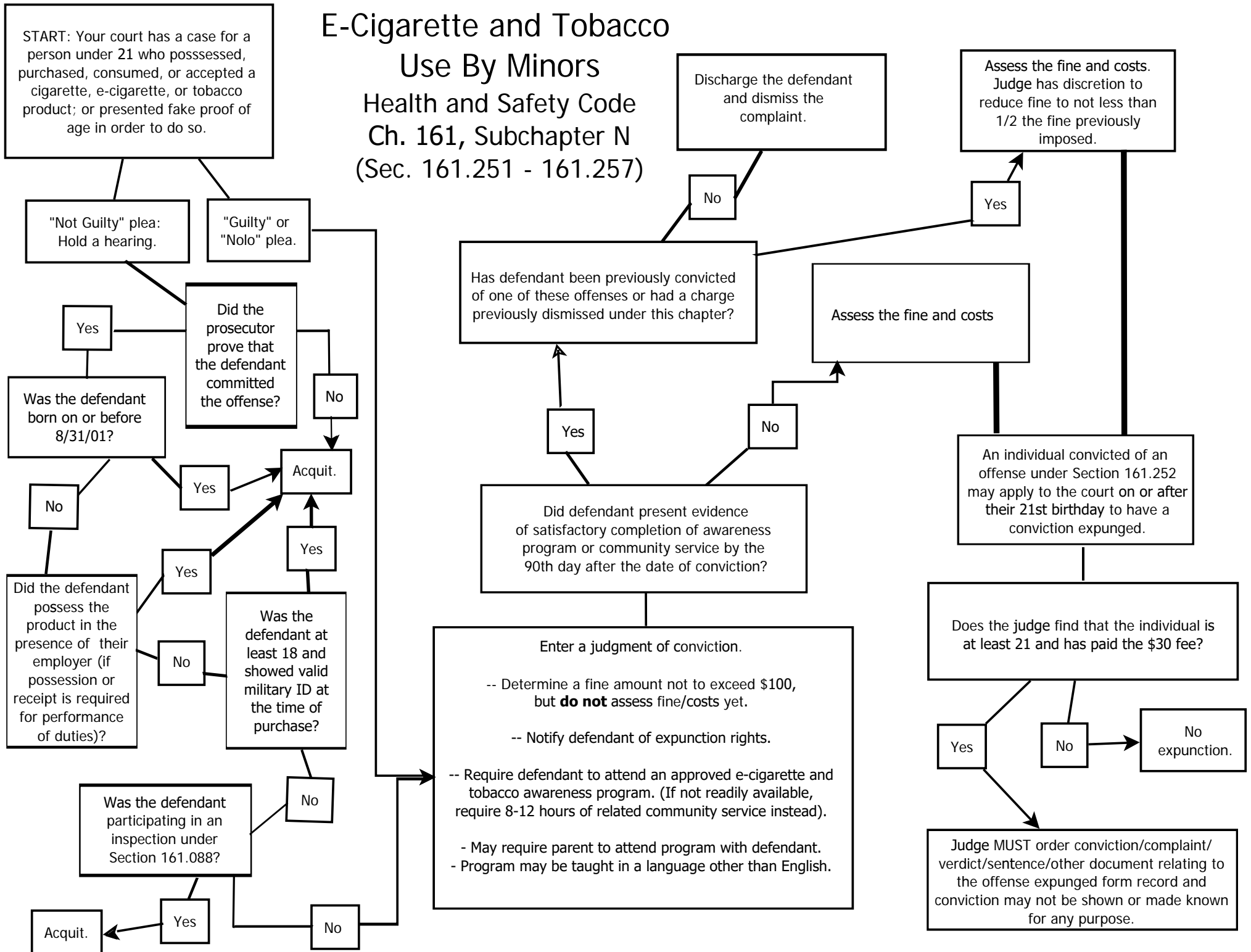


# E-Cigarette and Tobacco Use By Minors

## Health and Safety Code Ch. 161, Subchapter N (Sec. 161.251 - 161.257)



START: Your court has a case for a person under 21 who possessed, purchased, consumed, or accepted a cigarette, e-cigarette, or tobacco product; or presented fake proof of age in order to do so.

"Not Guilty" plea: Hold a hearing.

"Guilty" or "Nolo" plea.

Did the prosecutor prove that the defendant committed the offense?

Was the defendant born on or before 8/31/01?

Did the defendant possess the product in the presence of their employer (if possession or receipt is required for performance of duties)?

Was the defendant at least 18 and showed valid military ID at the time of purchase?

Was the defendant participating in an inspection under Section 161.088?

Has defendant been previously convicted of one of these offenses or had a charge previously dismissed under this chapter?

Did defendant present evidence of satisfactory completion of awareness program or community service by the 90th day after the date of conviction?

Enter a judgment of conviction.

- Determine a fine amount not to exceed \$100, but **do not** assess fine/costs yet.
- Notify defendant of expunction rights.
- Require defendant to attend an approved e-cigarette and tobacco awareness program. (If not readily available, require 8-12 hours of related community service instead).
- May require parent to attend program with defendant.
- Program may be taught in a language other than English.

Discharge the defendant and dismiss the complaint.

Assess the fine and costs. Judge has discretion to reduce fine to not less than 1/2 the fine previously imposed.

Assess the fine and costs

An individual convicted of an offense under Section 161.252 may apply to the court on or after their 21st birthday to have a conviction expunged.

Does the judge find that the individual is at least 21 and has paid the \$30 fee?

No expunction.

Judge MUST order conviction/complaint/verdict/sentence/other document relating to the offense expunged from record and conviction may not be shown or made known for any purpose.