



CITY PROSECUTOR

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May 23, 2018

Green River City Council
50 East 2nd North
Green River, Wyoming 82935

Council,

Attached is a proposed ordinance amending Unlawful Possession of Use of Tobacco Products by Minors. This Proposed Ordinance is submitted by the Office of the City Prosecutor with consultation and the support of the Chief of Police and the Green River Police Department. We ask that you review the proposed ordinance and consider implementing it into the current Code to assist with law enforcement and the prosecution of tobacco offenses as it relates to modern methods including vaporizing pens, electronic cigarettes, and solutions containing nicotine. If any questions or concerns are raised, please contact me to discuss the matter.

Sincerely,

Bobby W. Pineda
City Prosecutor

Tom Jarvie
Chief of Police

Sec. 18-90. – Unlawful possession or use of tobacco products by minors.

- (a) It is unlawful for any person under the age of eighteen (18) years to possess, purchase, or use any tobacco products or electronic cigarettes.
- (b) No individual shall sell, offer for sale, give away or deliver tobacco products or electronic cigarettes to any person under the age of eighteen (18) years.
- (c) No person under the age of eighteen (18) years shall purchase tobacco products or electronic cigarettes, or misrepresent his or her identity or age, or use any false or altered identification for the purpose of purchasing tobacco products or electronic cigarettes.
- (d) It is an affirmative defense to a prosecution under this section that the defendant possessed or used the tobacco product in the home of, or under the direct supervision of, his parent or guardian.
- (e) Definitions:
 - (1) “Tobacco Products” means any product made or derived from tobacco that contains nicotine, including but not limited to, cigarettes, electronic cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
 - (2) “Electronic Cigarette” means a product that employs any mechanical heating element, battery or electronic circuit regardless of shape or size, that can be used to deliver doses of nicotine vapor by means of heating a liquid nicotine solution, plant, wax, solution or other substance contained in a cartridge or other delivery system, including but not limited to, electronic cigarettes, vaping pens, or vaping mods.