

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 153
Committee Substitute Favorable 3/2/23
Corrected Copy 3/6/23

Short Title: Use Tribal ID for Alcohol & Tobacco Purchase.

(Public)

Sponsors:

Referred to:

February 22, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE USE OF A TRIBAL ENROLLMENT CARD ISSUED BY A
3 STATE OR FEDERALLY RECOGNIZED INDIAN TRIBE WHEN MAKING ALCOHOL
4 OR TOBACCO PURCHASES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 18B-302(d) reads as rewritten:

7 "(d) Defense. – It is a defense to a violation of subsection (a) of this section if the seller
8 does any of the following:

9 (1) Shows that the purchaser produced a driver's license, a special identification
10 card issued under G.S. 20-37.7 or issued by the state agency of any other state
11 authorized to issue similar official state special identification cards for that
12 state, a tribal enrollment card issued by a State or federally recognized Indian
13 Tribe, a military identification card, or a passport, showing the purchaser's age
14 to be at least the required age for purchase and bearing a physical description
15 of the person named on the card reasonably describing the purchaser.

16 ...

17 (3) Shows that at the time of purchase, the purchaser utilized a biometric
18 identification system that demonstrated (i) the purchaser's age to be at least
19 the required age for the purchase and (ii) the purchaser had previously
20 registered with the seller or seller's agent a drivers license, a special
21 identification card issued under G.S. 20-37.7 or issued by the state agency of
22 any other state authorized to issue similar official state special identification
23 cards for that state, a tribal enrollment card issued by a State or federally
24 recognized Indian Tribe, a military identification card, or a passport showing
25 the purchaser's date of birth and bearing a physical description of the person
26 named on the document."

27 SECTION 2. G.S. 14-313 reads as rewritten:

28 "§ 14-313. Youth access to tobacco products, tobacco-derived products, vapor products,
29 and cigarette wrapping papers.

30 (a) Definitions. – The following definitions apply in this section:

31 ...

32 (2) Proof of age. – A drivers ~~license~~-license, a tribal enrollment card issued by a
33 State or federally recognized Indian Tribe, or other photographic
34 identification that includes the bearer's date of birth that purports to establish
35 that the person is 18 years of age or older.



1 ...
2 (b) Sale or distribution to persons under the age of 18 years. – If any person shall
3 distribute, or aid, assist, or abet any other person in distributing tobacco products or cigarette
4 wrapping papers to any person under the age of 18 years, or if any person shall purchase tobacco
5 products or cigarette wrapping papers on behalf of a person under the age of 18 years, the person
6 shall be guilty of a Class 2 misdemeanor; provided, however, that it shall not be unlawful to
7 distribute tobacco products or cigarette wrapping papers to an employee when required in the
8 performance of the employee's duties. Retail distributors of tobacco products shall prominently
9 display near the point of sale a sign in letters at least five-eighths of an inch high which states the
10 following:

11 N.C. LAW STRICTLY PROHIBITS
12 THE PURCHASE OF TOBACCO PRODUCTS, TOBACCO-DERIVED PRODUCTS,
13 VAPOR PRODUCTS, AND CIGARETTE WRAPPING PAPERS
14 BY PERSONS UNDER THE AGE OF 18.
15 PROOF OF AGE REQUIRED.

16 Failure to post the required sign shall be an infraction punishable by a fine of twenty-five dollars
17 (\$25.00) for the first offense and seventy-five dollars (\$75.00) for each succeeding offense.

18 A person engaged in the sale of tobacco products or cigarette wrapping papers shall demand
19 proof of age from a prospective purchaser if the person has reasonable grounds to believe that
20 the prospective purchaser is under 18 years of age. Failure to demand proof of age as required by
21 this subsection is a Class 2 misdemeanor if in fact the prospective purchaser is under 18 years of
22 age. Retail distributors of tobacco products or cigarette wrapping papers shall train their sales
23 employees in the requirements of this law. Proof of any of the following shall be a defense to any
24 action brought under this subsection:

- 25 (1) The defendant demanded, was shown, and reasonably relied upon proof of age
26 in the case of a retailer, or any other documentary or written evidence of age
27 in the case of a nonretailer.
28 (2) The defendant relied on the electronic system established and operated by the
29 Division of Motor Vehicles pursuant to G.S. 20-37.02.
30 (3) The defendant relied on a biometric identification system that demonstrated
31 (i) the purchaser's age to be at least the required age for the purchase and (ii)
32 the purchaser had previously registered with the seller or seller's agent a
33 drivers license, a special identification card issued under G.S. 20-37.7, a tribal
34 enrollment card issued by a State or federally recognized Indian Tribe, a
35 military identification card, or a passport showing the purchaser's date of birth
36 and bearing a physical description of the person named on the card.

37 ...
38 (d) Sending or assisting a person less than 18 years to purchase or receive tobacco
39 products or cigarette wrapping papers. – If any person shall send a person less than 18 years of
40 age to purchase, acquire, receive, or attempt to purchase, acquire, or receive tobacco products or
41 cigarette wrapping papers, or if any person shall aid or abet a person who is less than 18 years of
42 age in purchasing, acquiring, or receiving or attempting to purchase, acquire, or receive tobacco
43 products or cigarette wrapping papers, the person shall be guilty of a Class 2 misdemeanor;
44 provided, however, persons under the age of 18 may be enlisted by police or local sheriffs'
45 departments to test compliance if the testing is under the direct supervision of that law
46 enforcement department and written parental consent is provided; provided further, that the
47 Department of Health and Human Services shall have the authority, pursuant to a written plan
48 prepared by the Secretary of Health and Human Services, to use persons under 18 years of age
49 in annual, random, unannounced inspections, provided that prior written parental consent is given
50 for the involvement of these persons and that the inspections are conducted for the sole purpose
51 of preparing a scientifically and methodologically valid statistical study of the extent of success

1 the State has achieved in reducing the availability of tobacco products to persons under the age
2 of 18, and preparing any report to the extent required by section 1926 of the federal Public Health
3 Service Act (42 USC § 300x-26).

4"

5 **SECTION 3.** This act becomes effective December 1, 2023, and applies to offenses
6 committed and purchases made on or after that date.