

HANNAHVILLE INDIAN COMMUNITY
TITLE 2, CHAPTER 1
YOUTH TOBACCO CODE

Contents

2.1.100	Purpose	2
2.1.101	Jurisdiction	2
2.1.102	Definitions	2
2.1.103	Offenses	2
2.1.104	Exception	3
2.1.105	Procedural Rights	3
2.1.106	Penalties	3
2.1.107	Authority to Enact Code	4

**HANNAHVILLE INDIAN COMMUNITY
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YOUTH TOBACCO CODE**

2.1.100 Purpose

The purpose of this Code is to prevent and deter the use of tobacco products by persons under the age of eighteen (18).

2.1.101 Jurisdiction

The Hannahville Indian Community Tribal Court shall have civil jurisdiction over any person who violates this Code on Tribal lands, regardless of membership status. Tribal lands include those lands that are designated “Indian Country” as defined in 18 U.S.C. §1151 and applicable federal case law, within the jurisdiction of the Hannahville Indian Community.

2.1.102 Definitions

- (1) Minor: person under the age of eighteen (18) years.
- (2) Community Service: service ordered by the Tribal Court to be performed for the benefit of the Hannahville Indian Community.
- (3) Tobacco Products: cigarettes, cigars, pipe tobacco, chewing tobacco, tobacco snuff or any other form of tobacco.
- (4) Tobacco Use: inhaling, puffing, chewing, or sucking tobacco products.
- (5) Tobacco Possession: carrying a tobacco product on the person or on the person’s clothing. Possession also includes discarding a tobacco product within the visual sight of a police officer.
- (6) Tribal Court: The Hannahville Indian Community Tribal Court.

2.1.103 Offenses

- (1) Minor in Possession of a Tobacco Product. A person under the age of eighteen (18) shall not possess or use tobacco products on any Hannahville Indian Community tribal property.
 - (a) Offenses shall be classified as the following:
 - [1] First offense.
 - [2] Second offense.

[3] Third offense, which includes actual third offenses and any offenses that occur subsequent to a third offense.

(2) Furnishing Tobacco Products to Minors. Any adult person who knowingly furnishes a tobacco product to a minor under the age of eighteen (18) shall be in violation of this Code.

(a) Offenses shall be classified as the following:

[1] First offense.

[2] Second offense, which includes all multiple offenses.

2.1.104 Exception

Ceremonial Purposes. This Code shall not interfere with the use of tobacco products for ceremonial purposes at a tribally recognized ceremonial event.

2.1.105 Procedural Rights

Any person who receives a citation under this Code shall have the same procedural rights as any other civil case filed in the Hannahville Indian Community Tribal Court.

2.1.106 Penalties

(1) Any minor person who violates this Code by using or possessing tobacco products is subject to civil penalties. Penalties for each offense, in addition to confiscation of the tobacco product, are as follows:

(a) First offense. One (1) session of counseling at Hannahville Indian Community Health Center, with parent or guardian present, to educate the offender as to the consequences of using tobacco products.

(b) Second offense. A fine of \$50.00 or community service.

(c) Third offense. A fine of \$100.00 and/or community service.

(2) Any adult person, who violates this Code by furnishing tobacco products to a minor, unless such furnishing is exempted under this Code, is subject to civil penalties. Penalties for each offense are as follows.

(a) First offense. A maximum fine of \$50.00.

(b) Second offense. A maximum fine of \$100.00.

- (3) Any violation of this Code is civil in nature and cannot be used to enhance any other provision of the Hannahville Indian Community Criminal or Civil Code.

2.1.107 Authority to Enact Code

The Hannahville Indian Community Tribal Council, as the duly elected body of the members of the Hannahville Indian Community, have the authority to enact this Code. The Hannahville Indian Community is a federally recognized Indian Tribe organized under 25 U.S.C. section 476. This authority extends to all members and non-members located on the lands of the Hannahville Indian Community.