

House Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

CHAPTER 89

# HOUSE BILL 2034

AN ACT

AMENDING SECTION 13-3622, ARIZONA REVISED STATUTES; RELATING TO FAMILY OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3622, Arizona Revised Statutes, is amended to  
3 read:

4 13-3622. Furnishing of tobacco or tobacco or shisha instruments  
5 or paraphernalia to minor; minor accepting or  
6 receiving tobacco or tobacco or shisha instruments  
7 or paraphernalia; illegally obtaining tobacco or  
8 tobacco or shisha instruments or paraphernalia by  
9 underage person; classification; definition

10 A. A person who knowingly sells, gives or furnishes cigars, cigarettes  
11 or cigarette papers ~~or~~, smoking or chewing tobacco OR ANY INSTRUMENT OR  
12 PARAPHERNALIA THAT IS SOLELY DESIGNED FOR THE SMOKING OR INGESTION OF TOBACCO  
13 OR SHISHA, INCLUDING A HOOKAH OR WATERPIPE, to a minor, ~~and~~ IS GUILTY OF A  
14 PETTY OFFENSE.

15 B. A minor who buys, or has in his possession or knowingly accepts or  
16 receives from any person, cigars, cigarettes or cigarette papers ~~or~~, smoking  
17 or chewing tobacco of any kind, ~~—~~ OR ANY INSTRUMENT OR PARAPHERNALIA THAT IS  
18 SOLELY DESIGNED FOR THE SMOKING OR INGESTION OF TOBACCO OR SHISHA, INCLUDING  
19 A HOOKAH OR WATERPIPE, is guilty of a petty offense, AND IF THE OFFENSE  
20 INVOLVES ANY INSTRUMENT OR PARAPHERNALIA THAT IS SOLELY DESIGNED FOR THE  
21 SMOKING OR INGESTION OF TOBACCO OR SHISHA, SHALL PAY A FINE OF NOT LESS THAN  
22 ONE HUNDRED DOLLARS OR PERFORM NOT LESS THAN THIRTY HOURS OF COMMUNITY  
23 RESTITUTION.

24 ~~B.~~ C. A person who is under eighteen years of age and who  
25 misrepresents the person's age to any person by means of a written instrument  
26 of identification with the intent to induce the person to sell, give or  
27 furnish cigars, cigarettes or cigarette papers ~~or~~, smoking or chewing tobacco  
28 OR ANY INSTRUMENT OR PARAPHERNALIA THAT IS SOLELY DESIGNED FOR THE SMOKING OR  
29 INGESTION OF TOBACCO OR SHISHA, INCLUDING A HOOKAH OR WATERPIPE, in violation  
30 of subsection A OR B OF THIS SECTION is guilty of a petty offense and,  
31 notwithstanding section 13-802, shall pay a fine of not more than five  
32 hundred dollars.

33 D. THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

34 1. CIGARS, CIGARETTES OR CIGARETTE PAPERS, SMOKING OR CHEWING TOBACCO  
35 OR ANY INSTRUMENT OR PARAPHERNALIA THAT IS SOLELY DESIGNED FOR THE SMOKING OR  
36 INGESTION OF TOBACCO OR SHISHA, INCLUDING A HOOKAH OR WATERPIPE, IF IT IS  
37 USED OR INTENDED TO BE USED IN CONNECTION WITH A BONA FIDE PRACTICE OF A  
38 RELIGIOUS BELIEF AND AS AN INTEGRAL PART OF A RELIGIOUS OR CEREMONIAL  
39 EXERCISE.

40 2. ANY INSTRUMENT OR PARAPHERNALIA THAT IS SOLELY DESIGNED FOR THE  
41 SMOKING OR INGESTION OF TOBACCO OR SHISHA, INCLUDING A HOOKAH OR WATERPIPE,  
42 THAT IS GIVEN TO OR POSSESSED BY A MINOR IF THE INSTRUMENT OR PARAPHERNALIA  
43 WAS A GIFT OR SOUVENIR AND IS NOT USED OR INTENDED TO BE USED BY THE MINOR TO  
44 SMOKE OR INGEST TOBACCO OR SHISHA.

45 E. FOR THE PURPOSES OF THIS SECTION, "SHISHA" INCLUDES ANY MIXTURE OF  
46 TOBACCO LEAF AND HONEY, MOLASSES OR DRIED FRUIT OR ANY OTHER SWEETENER.

APPROVED BY THE GOVERNOR MARCH 27, 2012.

Passed the House February 23, 2012

Passed the Senate March 20 2012

by the following vote: 52 Ayes,

by the following vote: 27 Ayes,

6 Nays, 1 Not Voting  
1 vacant

3 Nays, 0 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

26 day of March, 2012

at 3:30 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 27<sup>th</sup> day of

March.

at 3:40 o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 27<sup>th</sup> day of March, 2012

at 5:12 o'clock P M.

[Signature]  
Secretary of State

H.B. 2034