



# HOUSE BILL 153: Use Tribal ID for Alcohol & Tobacco Purchase.

2023-2024 General Assembly

<b>Committee:</b>	House Federal Relations and American Indian Affairs. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 2, 2023
<b>Introduced by:</b>	Reps. Gillespie, Clampitt, B. Jones, Lowery	<b>Prepared by:</b>	Debbie Griffiths
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** House Bill 153 would add tribal enrollment cards issued by a federally recognized Indian Tribe to the list of acceptable identification cards to verify proof of age to purchase alcohol, tobacco products, and cigarette wrapping papers.

[As introduced, this bill was identical to S102, as introduced by Sens. Johnson, Corbin, Lazzara, which is currently in Senate Rules and Operations of the Senate.]

## SECTION 1. ALCOHOL SALES

**CURRENT LAW:** G.S. 18B-302(a) makes it unlawful to sell alcoholic beverages to anyone less than 21 years old. G.S. 18B-302(d)(1) allows a seller of alcohol to raise as a defense to a charge of making an unlawful sale of alcohol to a person under 21 that the buyer presented a driver's license, state issued special identification card, military identification card, or passport which contains the purchaser's age and a physical description of the named individual. G.S. 18B-302(d)(3) allows a seller of alcohol to raise as a defense to a charge of making an unlawful sale of alcohol to a person under 21 that the buyer used a biometric identification system that verifies the purchaser's age when the purchaser has previously registered their driver's license, state issued special identification card, military identification card, or passport containing the purchaser's age and physical description.

**BILL ANALYSIS:** Section 1 would add tribal enrollment cards issued by federally recognized Indian Tribes which contain the purchaser's age and a physical description of the named individual to the list of accepted documentation for defense against the charge of selling alcohol to underaged individuals.

## SECTION 2. TOBACCO PRODUCTS AND CIGARETTE WRAPPING PAPER SALES

**CURRENT LAW:** G.S. 14-313 makes the sale or distribution of tobacco products or cigarette wrapping papers to any individual under the age of 18, or assisting, aiding, or abetting any other person in doing so a Class 2 misdemeanor. A seller of tobacco products or cigarette wrapping papers is required to demand proof of age if they reasonably believe the purchaser is less than 18 years old. Reliance on proof of age documents or a biometric identification system that verifies the purchaser's age when the purchaser has previously registered their driver's license, state issued special identification card, military identification card, or passport containing the purchaser's age and physical description is a defense to the criminal charge of the sale of these products to an underaged individual. G.S. 14-313(a)(2) defines proof of age as a driver's license or other photographic identification card which has the individual's date of birth. G.S. 14-313(a)(4) defines tobacco product as any product that contains tobacco and is intended for human consumption and includes tobacco-derived product, vapor product, or components of vapor product.

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**BILL ANALYSIS:** Section 2 would add tribal enrollment cards issued by federally recognized Indian Tribes to the list of allowed documents for proof of age or use of a biometric identification system for the defense of the sale of tobacco products or cigarette wrapping papers to underaged individuals.

**EFFECTIVE DATE:** This act would become effective July 1, 2023, and would apply to purchases made on or after that date.