



AN ACT REVISING THE CRIMINAL OFFENSE OF UNLAWFUL TRANSACTIONS WITH CHILDREN; PROHIBITING GIVING OR SELLING TO CHILDREN TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS; AMENDING SECTION 45-5-623, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-5-623, MCA, is amended to read:

"45-5-623. Unlawful transactions with children. (1) Except as provided for in 16-6-305, a person commits the offense of unlawful transactions with children if the person knowingly:

- (a) sells or gives explosives to a child ~~under the age of majority~~ except as authorized under appropriate city ordinances;
- (b) sells or gives intoxicating substances other than alcoholic beverages to a child ~~under the age of majority~~;
- (c) sells or gives an alcoholic beverage to a person under 21 years of age;
- (d) sells or gives to a child a tobacco product, alternative nicotine product, or vapor product, as defined in 16-11-302;
- ~~(d)~~(e) being a junk dealer, pawnbroker, or secondhand dealer, receives or purchases goods from a child ~~under the age of majority~~ without authorization of the parent or guardian; or
- ~~(e)~~(f) tattoos or provides a body piercing on a child ~~under the age of majority~~ without the explicit in-person consent of the child's parent or guardian. For purposes of this subsection (1)(f), "tattoo" and "body piercing" have the meaning provided in 50-48-102. Failure to adequately verify the identity of a parent or guardian is not an excuse for violation of this subsection (1)(f).

(2) A person convicted of the offense of unlawful transactions with children shall be fined an amount

not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A person convicted of a second offense of unlawful transactions with children shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both. (See compiler's comments for contingent termination of certain text.)"

Section 2. Effective date. [This act] is effective on passage and approval.

Section 3. Applicability. [This act] applies to offenses committed on or after [the effective date of this act].

- END -

I hereby certify that the within bill,
HB 105, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 105

INTRODUCED BY R. MARSHALL, M. HOPKINS

AN ACT REVISING THE CRIMINAL OFFENSE OF UNLAWFUL TRANSACTIONS WITH CHILDREN; PROHIBITING GIVING OR SELLING TO CHILDREN TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS; AMENDING SECTION 45-5-623, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.