Amend printed bill, page 20, strike lines 6 through 8 and substitute:

(b) A retailer that does not claim an affirmative defense pursuant to section 44-7-106 (2) may waive its right to a hearing and pay the appropriate fine.”.

Page 23, strike lines 19 through 27.

Page 24, strike lines 1 through 13 and substitute:

"(2) Notwithstanding subsection (1) of this section, no fine for a violation of section 44-7-103 (1) shall not be imposed upon a retailer that can establish an affirmative defense to the satisfaction of the division or the hearing officer that, prior to the date of the violation, it:

(a) Had adopted and enforced a written policy against selling cigarettes, tobacco products, or nicotine products to persons under eighteen years of age;

(b) Had informed its employees of the applicable laws regarding the sale of cigarettes, tobacco products, or nicotine products to persons under eighteen years of age;

(c) Required employees to verify the age of cigarette, tobacco product, or nicotine product customers by way of photographic identification; and

(d) Had established and imposed disciplinary sanctions for noncompliance.

(3) The affirmative defense established in subsection (2) of this section may be used by a retailer only once at each location within any twenty-four-month period.

(4) (a) (I) The penalty for a violation of section 44-7-103 (2) or (3), the penalty shall be as follows: (4.5) is

(a) (I) For a violation of section 44-7-103 (2), a fine of twenty-five dollars for a first violation committed".

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