

**CRIMES AND OFFENSES GENERALLY: CRIMES INVOLVING MORALS AND DECENCY.**

**GENERAL PROVISIONS: COMMON LAW, STATUTES AND RULES OF CONSTRUCTION.**

**Business entity is included within word "person" for purposes of prohibition against selling or distributing tobacco products to persons under age 18.**

The Honorable L. Preston Bryant Jr.

Member, House of Delegates

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You ask whether the word "person" in § 18.2371.2 of the *Code of Virginia* includes a business entity.

Section 18.2371.2(A) provides that "[n]o person shall sell to, distribute to, purchase for or knowingly permit the purchase" of tobacco products by persons "less than eighteen years of age." Section 18.2371.2(C) requires a person selling such products to require photo identification indicating that the purchaser "is at least eighteen years of age." Pursuant to § 18.2371.2(D), "[a] violation of subsection A or C by an individual or by a separate retail establishment" is punishable by the imposition of a civil penalty.

Chapter 2 of Title 1, §§ 110 through 117.2, contains general rules of construction applicable throughout the Code. Section 113.19 states: "The word '*person*' shall include any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity." Moreover, § 18.25 provides that the rules of construction set forth in Chapter 2 of Title 1 "shall be observed, unless such construction would be inconsistent with the manifest intent of the General Assembly." By including both "an individual" and "a separate retail establishment" within the language of § 18.2371.2(D), the legislature has expressed a clear intent to include a business entity within the word "person" for purposes of the prohibition against selling or distributing tobacco products.