

February 20, 1961.

Senate File 284

Passed on File.

By HANSEN, LUCKEN, HOSCHEK and FLATT.

Passed Senate, Date 4-21-61 Passed House, Date.....

Vote: Ayes 38 Nays 9 Vote: Ayes..... Nays.....

Approved.....

A BILL FOR

An Act relating to the use of vending machines in the sale of cigarettes, providing for the licensing of such machines and providing a penalty for the illegal operation thereof.

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. Section ninety-eight point one (98.1), Code 1958,
2 is hereby amended by adding the following new subsection thereto:

3 "Sales from cigarette vending machines. For the purpose of
4 selling cigarettes through a vending machine at retail, the owner
5 or lessee, retail cigarette permit holder, and retail sales tax
6 permit holder shall be one and the same person. No other person
7 shall own or operate a cigarette vending machine to sell or
8 supply cigarettes through a cigarette vending machine at retail."

1 Sec. 2. Section ninety-eight point thirteen (98.13), Code 1958,
2 is hereby amended by adding to subsection three (3) thereof the
3 following:

4 "The payment of the license fees herein provided shall authorize
5 the holder of a retail permit to sell cigarettes through a vending
6 machine or vending machines to be operated in the same place of
7 business for which such permit has been granted; provided that
8 the cigarette vending machine or machines are located in a place
9 or places, where the machine or machines are under the supervision
10 of a responsible person of legal age who will be responsible
11 for prevention of purchases by minors from such machine or
12 machines."

1 Sec. 3. Section ninety-eight point thirteen (98.13), Code
2 1958, is also amended by adding thereto a new subsection as
3 follows:

4 “Any sales of cigarettes made through a vending machine for
5 which a permit has been issued shall be subject to rules, regula-
6 tions and penalties provided in this chapter in relation to the
7 retail sale of cigarettes. No permit holder shall permit the
8 sale of cigarettes through any vending machines unless such
9 cigarettes shall have been properly stamped or metered as provided
10 by this chapter, and in case of violation of this provision, the
11 permit of the dealer authorizing a retail sale of cigarettes
12 shall be canceled.”

1 Sec. 4. Section ninety-eight point fourteen (98.14), Code 1958,
2 is amended by adding to line twelve (12) of subsection one (1)
3 thereof the following:

4 “No separate bond shall be required from any holder of a
5 retail permit selling cigarettes through vending machines, but
6 such bond shall cover sales of cigarettes through vending
7 machines.”

1 Sec. 5. Subsection six (6) of section ninety-eight point
2 thirty-six (98.36), Code 1958, is hereby repealed and the following
3 enacted in lieu thereof:

4 “6. It shall be unlawful for any person to own or operate a
5 vending machine for the purpose of selling, supplying or vending
6 cigarettes at retail unless said person shall comply with the
7 following requirements:

8 a. Be the holder of a retail permit and the owner or lessee
9 of all the premises described in said retail permit and be a
10 resident of Iowa for at least one (1) year immediately prior to

11 the owning and operating of a vending machine.

12 b. Be the holder of a retail sales tax permit for retail

13 sales on all the premises described in said retail permit.

14 c. The keys to the vending machine shall be available at all

15 times on request of the appropriate state or local authority for

16 the purpose of inspection or enforcement.

17 d. For the purpose of this chapter a person who leases or

18 subleases a designated area for the purpose of installing or

19 operating a cigarette vending machine shall not be considered the

20 owner or lessee of the premises as defined in subsection six (6),

21 paragraph 'a'."

SENATE FILE 284

accepted
4-21-61

1 Amend Senate File 284 by striking all after the enacting
2 clause and inserting in lieu thereof the following:

3 Section 1. Section ninety-eight point thirty-six (98.36),
4 Code 1958, is hereby amended by striking subsection six (6).

5 Sec. 2. Section ninety-eight point thirty-six (98.36),
6 Code 1958, is further amended by adding thereto the following
7 new subsection:

8 "Any sales of cigarettes made through a cigarette vending
9 machine shall be subject to rules, regulations and penalties
10 provided in this chapter in relation to the retail sale of
11 cigarettes. No cigarettes shall be sold through any cigarette
12 vending machine unless such cigarettes shall have been properly
13 stamped or metered as provided by this chapter, and in case of
14 violation of this provision, the permit of the dealer authorizing
15 a retail sale of cigarettes shall be cancelled. Payment of the
16 license fee as provided in section ninety-eight point thirteen
17 (98.13) shall authorize a cigarette vendor to sell cigarettes
18 through a vending machine or vending machines, provided that
19 said machine or machines are located in a place or places where
20 the machine or machines are under the supervision of a respon-
21 sible person of legal age who will be responsible for prevention
22 of purchases by minors from such machine or machines."

23 Sec. 3. Section ninety-eight point thirteen (98.13),
24 Code 1958, is hereby amended as follows:

25 1. By adding to line two (2) of subsection one (1) after
26 the word "wholesaler," the words "cigarette vendor".

27 2. By adding to line seven (7) of subsection one (1)
28 after the word "wholesaler," the words "cigarette vendor".

29 3. By adding to line two (2) of subsection two (2) after
30 the word "wholesalers," the words "cigarette vendors."

31 4. By adding to line nine (9) of subsection three (3)
32 after the word "distributor" the words "cigarette vendor".

33 5. By adding to line two (2) of subsection six (6) after
34 the word "wholesaler," the words "cigarette vendor."

Filed
April 12, 1961.

By SHAFF, LYNES, SCHROEDER and O'MALLEY.

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