

House Amendment 1705

Amendment Text

PAG LIN

1 1 Amend [Senate File 499](#), as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 2, by inserting after line 14 the
1 4 following:
1 5 "Sec. 101. Section [453A.36](#), subsection 6, Code
1 6 1997, is amended to read as follows:
1 7 6. Except as provided in this subsection, sales of
1 8 cigarettes and tobacco products shall only be made in
1 9 a direct face-to-face exchange. Any sales of
1 10 cigarettes or tobacco products made through a
1 11 cigarette vending machine are subject to rules and
1 12 penalties relative to retail sales of cigarettes and
1 13 tobacco products provided for in this chapter. No
1 14 cigarettes shall be sold through any cigarette vending
1 15 machine unless the cigarettes have been properly
1 16 stamped or metered as provided by this division, and
1 17 in case of violation of this provision, the permit of
1 18 the dealer authorizing retail sales of cigarettes
1 19 shall be canceled. Payment of the license fee as
1 20 provided in section 453A.13 authorizes a cigarette
1 21 vendor to sell cigarettes or tobacco products through
1 22 vending machines

~~, provided that the following~~

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~~.~~

~~conditions are met: the machines are located in~~

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~~places where the machines are under the supervision of~~

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~~a person of legal age who is responsible for~~

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~~prevention of purchase by minors from the machines;~~

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~~the machines are equipped with a lock out device under~~

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~~the control of a person of legal age who shall~~

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~~directly regulate the sale of items through the~~

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~~machines, and which shall include a mechanism to~~
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~~prevent the machines from functioning if the power~~

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~~source for the lock out device fails or if the lock~~

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~~out device is disabled, and a mechanism to ensure that~~

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~~only one pack of cigarettes or one tobacco product is~~

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~~dispensed at a time; and the location where the~~

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~~machines are placed is covered by a local retail~~

1 37

~~permit~~

~~However, a lock out device is not required~~

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~~for machines operated in the following locations, if~~

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~~the machines are not to be placed in a doorway or~~

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~~other area readily accessible to minors; a commercial~~

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~~establishment holding a class "C" liquor license or a~~

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~~class "B" beer permit under chapter 123, if the~~

1 43

~~establishment is not also licensed as a food service~~

1 44

~~establishment under chapter 137B; a private facility~~

1 45

~~not open to the public; or a workplace not open to the~~

1 46

~~public.~~

~~However, cigarettes or tobacco products shall~~

1 47 not be sold through a vending machine unless the
1 48 vending machine is located in a place where the
1 49 retailer ensures that no person younger than eighteen
1 50 years of age is present or permitted to enter at any
2 1 time. This section does not require a retail licensee
2 2 to buy a cigarette vendor's permit if the retail
2 3 licensee is in fact the owner of the cigarette vending
2 4 machines and the machines are operated in the location
2 5 described in the retail permit."

2 6 #2. Page 3, by inserting after line 12 the
2 7 following:

2 8 "Sec. ____ Section 101, amending section 453A.36,
2 9 subsection 6, takes effect August 28, 1997."

2 10 #3. Title page, line 4, by inserting after the
2 11 word "penalties" the following: "and an effective
2 12 date".

2 13

2 14

2 15

2 16 DODERER of Johnson

2 17 SF 499.703 77

2 18 pf/sc/28