

# House Amendment 1156

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1 1 Amend the amendment, H=1116, to House File 555, as  
1 2 follows:

1 3 #1. Page 1, by inserting after line 22 the  
1 4 following:

1 5 <Sec. \_\_\_\_\_. Section 453A.2, subsections 1, 2, and  
1 6 3, Code 2007, are amended to read as follows:

1 7 1. A person shall not sell, give, or otherwise  
1 8 supply any tobacco, tobacco products, or cigarettes to  
1 9 any person under ~~eighteen~~ twenty-one years of age.

1 10 2. A person under ~~eighteen~~ twenty-one years of age  
1 11 shall not smoke, use, possess, purchase, or attempt to  
1 12 purchase any tobacco, tobacco products, or cigarettes.

1 13 3. Possession of cigarettes or tobacco products by  
1 14 an individual under ~~eighteen~~ twenty-one years of age  
1 15 does not constitute a violation under this section if  
1 16 the individual under ~~eighteen~~ twenty-one years of age  
1 17 possesses the cigarettes or tobacco products as part  
1 18 of the individual's employment and the individual is  
1 19 employed by a person who holds a valid permit under  
1 20 this chapter or who lawfully offers for sale or sells  
1 21 cigarettes or tobacco products.

1 22 Sec. \_\_\_\_\_. Section 453A.2, subsection 8, paragraph  
1 23 b, Code 2007, is amended to read as follows:

1 24 b. The compliance effort is conducted with the  
1 25 advance knowledge of law enforcement officers and  
1 26 reasonable measures are adopted by those conducting  
1 27 the effort to ensure that use of cigarettes or tobacco  
1 28 products by individuals under ~~eighteen~~ twenty-one  
1 29 years of age does not result from participation by any  
1 30 individual under ~~eighteen~~ twenty-one years of age in  
1 31 the compliance effort.

1 32 Sec. \_\_\_\_\_. Section 453A.5, subsection 1, Code 2007,  
1 33 is amended to read as follows:

1 34 1. The alcoholic beverages division of the  
1 35 department of commerce shall develop a tobacco  
1 36 compliance employee training program not to exceed two  
1 37 hours in length for employees and prospective  
1 38 employees of retailers, as defined in sections 453A.1  
1 39 and 453A.42, to inform the employees about state and  
1 40 federal laws and regulations regarding the sale of  
1 41 cigarettes and tobacco products to persons under  
1 42 ~~eighteen~~ twenty-one years of age and compliance with  
1 43 and the importance of laws regarding the sale of  
1 44 cigarettes and tobacco products to persons under  
1 45 ~~eighteen~~ twenty-one years of age.>

1 46 #2. Page 2, by inserting after line 43 the  
1 47 following:

1 48 <Sec. \_\_\_\_\_. Section 453A.36, subsection 6, Code  
1 49 2007, is amended to read as follows:

1 50 6. Any sales of cigarettes or tobacco products  
2 1 made through a cigarette vending machine are subject  
2 2 to rules and penalties relative to retail sales of  
2 3 cigarettes and tobacco products provided for in this  
2 4 chapter. No cigarettes shall be sold through any  
2 5 cigarette vending machine unless the cigarettes have  
2 6 been properly stamped or metered as provided by this  
2 7 division, and in case of violation of this provision,  
2 8 the permit of the dealer authorizing retail sales of  
2 9 cigarettes shall be canceled. Payment of the license  
2 10 fee as provided in section 453A.13 authorizes a  
2 11 cigarette vendor to sell cigarettes or tobacco  
2 12 products through vending machines. However,  
2 13 cigarettes or tobacco products shall not be sold  
2 14 through a vending machine unless the vending machine  
2 15 is located in a place where the retailer ensures that  
2 16 no person younger than ~~eighteen~~ twenty-one years of  
2 17 age is present or permitted to enter at any time.  
2 18 This section does not require a retail licensee to buy  
2 19 a cigarette vendor's permit if the retail licensee is  
2 20 in fact the owner of the cigarette vending machines  
2 21 and the machines are operated in the location  
2 22 described in the retail permit.

2 23 Sec. \_\_\_\_\_. Section 453A.39, subsection 2,  
2 24 paragraphs b and c, Code 2007, are amended to read as

2 25 follows:  
2 26 b. A manufacturer, distributor, wholesaler,  
2 27 retailer, or distributing agent or agent thereof shall  
2 28 not give away any cigarettes or tobacco products to  
2 29 any person under ~~eighteen~~ twenty-one years of age, or  
2 30 within five hundred feet of any playground, school,  
2 31 high school, or other facility when such facility is  
2 32 being used primarily by persons under age ~~eighteen~~  
2 33 twenty-one for recreational, educational, or other  
2 34 purposes.  
2 35 c. Proof of age shall be required if a reasonable  
2 36 person could conclude on the basis of outward  
2 37 appearance that a prospective recipient of a sample  
2 38 may be under ~~eighteen~~ twenty-one years of age.>  
2 39 #3. Page 5, line 40, by inserting after the word  
2 40 <fund,> the following: <providing for an increase in  
2 41 the legal age relating to cigarettes and tobacco  
2 42 products,>.  
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2 44  
2 45 \_\_\_\_\_  
2 46 LUKAN of Dubuque  
2 47 HF 555.221 82  
2 48 pf/es/7764