

1-24-96 Human Resources  
2-9-96 Do Pass  
FILED JAN 24 1996  
3/25/96 Human Resources

SENATE FILE **2078**  
BY BOETTGER, DOUGLAS, MCKEAN,  
and SZYMONIAK

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the prohibition of the sale of cigarettes or  
2 tobacco products through vending machines in any location  
3 other than a bar and making a penalty applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2078

1 Section 1. Section 453A.36, subsection 6, Code 1995, is  
2 amended to read as follows:

3 6. Any sales of cigarettes or tobacco products made  
4 through a cigarette vending machine are subject to rules and  
5 penalties relative to retail sales of cigarettes and tobacco  
6 products provided for in this chapter. No cigarettes shall be  
7 sold through any cigarette vending machine unless the  
8 cigarettes have been properly stamped or metered as provided  
9 by this division, and in case of violation of this provision,  
10 the permit of the dealer authorizing retail sales of  
11 cigarettes shall be canceled. Payment of the license fee as  
12 provided in section 453A.13 authorizes a cigarette vendor to  
13 sell cigarettes or tobacco products through vending machines;  
14 ~~provided that the following conditions are met:--the machines~~  
15 ~~are located in places where the machines are under the~~  
16 ~~supervision of a person of legal age who is responsible for~~  
17 ~~prevention of purchase by minors from the machines; the~~  
18 ~~machines are equipped with a lock-out device under the control~~  
19 ~~of a person of legal age who shall directly regulate the sale~~  
20 ~~of items through the machines; and which shall include a~~  
21 ~~mechanism to prevent the machines from functioning if the~~  
22 ~~power source for the lock-out device fails or if the lock-out~~  
23 ~~device is disabled; and a mechanism to ensure that only one~~  
24 ~~pack of cigarettes or one tobacco product is dispensed at a~~  
25 ~~time; and the location where the machines are placed is~~  
26 ~~covered by a local retail permit. However, a lock-out device~~  
27 ~~is not required for machines operated in the following~~  
28 ~~locations; if the machines are not to be placed in a doorway~~  
29 ~~or other area readily accessible to minors:--a commercial~~  
30 ~~establishment holding a class "C" liquor license or a class~~  
31 ~~"B" beer permit under chapter 123; if the establishment is not~~  
32 ~~also licensed as a food service establishment under chapter~~  
33 ~~137B; a private facility not open to the public; or a~~  
34 ~~workplace not open to the public.~~ Cigarettes or tobacco  
35 products shall not be sold through a vending machine unless

1 the vending machine is located in a bar and unless the vending  
2 machine is placed behind the counter from which alcoholic  
3 beverages are served or in another location in the bar which  
4 is not accessible to the public. For the purposes of this  
5 subsection, "bar" means bar as defined in section 142B.1.  
6 This section does not require a retail licensee to buy a  
7 cigarette vendor's permit if the retail licensee is in fact  
8 the owner of the cigarette vending machines and the machines  
9 are operated in the location described in the retail permit.

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EXPLANATION

This bill prohibits the sale of cigarettes or tobacco products through a vending machine in any location other than a bar and in a bar only if the vending machine is located behind the counter or in another place within the bar which is not accessible to the public. The bill also makes existing penalties applicable to violation of the new provisions, which include that if a holder of a distributor's, wholesaler's, or manufacturer's permit violates the section, it is grounds for revocation of a permit and if a retailer violates the section, the retailer is subject to several levels of penalties based upon the number of violations and ranging from a civil penalty to revocation of the permit.