

# REPRINTED

JAN 30 1998

STATE GOVERNMENT

HOUSE FILE 2120

BY THOMSON

Passed House, <sup>(p. 472)</sup> Date 3/4/98

Passed Senate, <sup>(p. 1059)</sup> Date 4-6-98

Vote: Ayes 96 Nays 0

Vote: Ayes 43 Nays 4

Approved April 20, 1998

## A BILL FOR

1 An Act prohibiting the use of self-service displays in the  
2 offering for sale or sale of cigarettes or tobacco products,  
3 providing a penalty, and providing an effective date.

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

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HF 2120

1 Section 1. LEGISLATIVE INTENT. It is the intent of the  
2 general assembly to restrict access of minors to cigarettes  
3 and tobacco products by limiting self-service sales and self-  
4 service displays of cigarettes and tobacco products. This Act  
5 is necessary because of the widespread problem of access of  
6 minors to cigarettes and tobacco products through unsupervised  
7 sales and shoplifting. The general assembly recognizes that a  
8 large percentage of adult smokers begin smoking before they  
9 can legally purchase tobacco products. Cigarette smoking is  
10 responsible for hundreds of thousands of deaths each year and  
11 thousands of minors start smoking each day. The overall  
12 purpose of this Act is to protect the health and welfare of  
13 the citizens of this state.

14 Sec. 2. Section 453A.1, Code 1997, is amended by adding  
15 the following new subsection:

16 NEW SUBSECTION. 20A. "Self-service display" means any  
17 manner of product display, placement, or storage from which a  
18 person purchasing the product may take possession of the  
19 product, prior to purchase, without assistance from the  
20 retailer or employee of the retailer, in removing the product  
21 from a restricted access location.

22 Sec. 3. NEW SECTION. 453A.36A SELF-SERVICE SALES  
23 PROHIBITED.

24 Except as provided in section 453A.36, subsection 6, a  
25 retailer shall not sell or offer for sale cigarettes or  
26 tobacco products through the use of a self-service display.  
27 This section shall not be construed to prevent the use of  
28 humidors or specially constructed areas for the selection of  
29 cigars, if the sale of the cigars takes place through a face-  
30 to-face exchange. Violation of this section by a holder of a  
31 retail permit is grounds for revocation of such permit.

32 Sec. 4. EFFECTIVE DATE. This Act takes effect January 1,  
33 1999.

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#### EXPLANATION

35 This bill provides legislative intent relating to access of

1 minors to cigarettes and tobacco products and prohibits the  
2 use of self-service displays, which allow the buyer to take  
3 possession of the product without the seller being present.  
4 Vending machine sales allowed under Code section 453A.36 are  
5 not affected. The bill provides that a retailer who violates  
6 this bill is subject to revocation of the retail permit.

7 The bill is effective January 1, 1999.

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HOUSE FILE 2120

H-8093

1 Amend House File 2120 as follows:  
2 1. Page 1, line 15, by striking the word  
3 "subsection" and inserting the following:  
4 "subsections".  
5 2. Page 1, by inserting after line 15 the  
6 following:  
7 "NEW SUBSECTION. 1A. "Carton" means a box or  
8 container of any kind in which ten or more packages or  
9 packs of cigarettes or tobacco products are offered  
10 for sale, sold, or otherwise distributed to consumers.  
11 NEW SUBSECTION. 15A. "Package" or "pack" means a  
12 container of any kind in which cigarettes or tobacco  
13 products are offered for sale, sold, or otherwise  
14 distributed to consumers."  
15 3. Page 1, by striking lines 24 through 33 and  
16 inserting the following:  
17 "1. Beginning January 1, 1999, except as provided  
18 in section 453A.36, subsection 6, a retailer shall not  
19 sell or offer for sale cigarettes or tobacco products,  
20 in a quantity of less than a carton, through the use  
21 of a self-service display.  
22 2. Beginning July 1, 1999, except as provided in  
23 section 453A.36, subsection 6, a retailer shall not  
24 sell or offer for sale cigarettes or tobacco products,  
25 in a quantity of a carton or less, through the use of  
26 a self-service display.  
27 3. This section shall not be construed to prevent  
28 the use of humidors or specially constructed areas for  
29 the selection of cigars, if the sale of the cigars  
30 takes place through face-to-face exchange.  
31 4. Violation of this section by a holder of a  
32 retail permit is grounds for revocation of such  
33 permit."  
34 4. Title page, by striking line 3 and inserting  
35 the following: "and providing a penalty."  
By COMMITTEE ON STATE GOVERNMENT  
MARTIN of Scott, Chairperson

H-8093 FILED FEBRUARY 24, 1998

*A. Dayton*  
3/4/98 (p. 472)

HOUSE FILE 2120  
BY THOMSON

(As Amended and Passed by the House, March 4, 1998)

Passed House, <sup>(p. 1491)</sup> Date 4-13-98 Passed Senate, <sup>(p. 1059)</sup> Date 4-6-98  
Vote: Ayes 96 Nays 2 Vote: Ayes 43 Nays 4  
Approved April 20, 1998

A BILL FOR

1 An Act prohibiting the use of self-service displays in the  
2 offering for sale or sale of cigarettes or tobacco products,  
3 and providing a penalty.

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

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New Language \_\_\_\_\_

HOUSE FILE 2120

S-5278

- 1 Amend House File 2120 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 2 through 9.
- 4 2. By renumbering as necessary.

By COMMITTEE ON HUMAN RESOURCES  
NANCY BOETTGER, Chairperson

*Adopted 4/6/98 (p. 1059)*  
S-5278 FILED MARCH 18, 1998

SENATE AMENDMENT TO HOUSE FILE 2120

H-8933

- 1 Amend House File 2120 as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 2, by striking lines 2 through 9.
- 4 2. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-8933 FILED APRIL 6, 1998  
*House Concurred 4-13-98 (p. 1491)*

1 Section 1. LEGISLATIVE INTENT. It is the intent of the  
2 general assembly to restrict access of minors to cigarettes  
3 and tobacco products by limiting self-service sales and self-  
4 service displays of cigarettes and tobacco products. This Act  
5 is necessary because of the widespread problem of access of  
6 minors to cigarettes and tobacco products through unsupervised  
7 sales and shoplifting. The general assembly recognizes that a  
8 large percentage of adult smokers begin smoking before they  
9 can legally purchase tobacco products. Cigarette smoking is  
10 responsible for hundreds of thousands of deaths each year and  
11 thousands of minors start smoking each day. The overall  
12 purpose of this Act is to protect the health and welfare of  
13 the citizens of this state.

14 Sec. 2. Section 453A.1, Code 1997, is amended by adding  
15 the following new subsections:

16 NEW SUBSECTION. 1A. "Carton" means a box or container of  
17 any kind in which ten or more packages or packs of cigarettes  
18 or tobacco products are offered for sale, sold, or otherwise  
19 distributed to consumers.

20 NEW SUBSECTION. 15A. "Package" or "pack" means a  
21 container of any kind in which cigarettes or tobacco products  
22 are offered for sale, sold, or otherwise distributed to  
23 consumers.

24 NEW SUBSECTION. 20A. "Self-service display" means any  
25 manner of product display, placement, or storage from which a  
26 person purchasing the product may take possession of the  
27 product, prior to purchase, without assistance from the  
28 retailer or employee of the retailer, in removing the product  
29 from a restricted access location.

30 Sec. 3. NEW SECTION. 453A.36A SELF-SERVICE SALES  
31 PROHIBITED.

32 1. Beginning January 1, 1999, except as provided in  
33 section 453A.36, subsection 6, a retailer shall not sell or  
34 offer for sale cigarettes or tobacco products, in a quantity  
35 of less than a carton, through the use of a self-service

1 display.

2 2. Beginning July 1, 1999, except as provided in section  
3 453A.36, subsection 6, a retailer shall not sell or offer for  
4 sale cigarettes or tobacco products, in a quantity of a carton  
5 or less, through the use of a self-service display.

6 3. This section shall not be construed to prevent the use  
7 of humidors or specially constructed areas for the selection  
8 of cigars, if the sale of the cigars takes place through face-  
9 to-face exchange.

10 4. Violation of this section by a holder of a retail  
11 permit is grounds for revocation of such permit.

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## HOUSE FILE 2120

S-5449

1 Amend House File 2120, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 2, line 1, by inserting after the word  
4 "display" the following: "that is not located within  
5 twenty feet of an employee and within view of the  
6 employee".

By NEAL SCHUERER

S-5449 FILED MARCH 31, 1998

*W/D 4-6-98 (P.1059)*

## HOUSE FILE 2120

S-5450

1 Amend House File 2120 as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 33, by inserting after the word  
4 "retailer" the following: "operating an existing  
5 retail establishment".  
6 2. Page 2, line 1, by inserting after the word  
7 "display" the following: ", unless the self-service  
8 display is adjacent to and is in plain view of a  
9 staffed check-out counter and the self-service display  
10 is inaccessible to customers for self-service when the  
11 check-out counter is not being staffed."  
12 3. Page 2, by inserting before line 2, the  
13 following:  
14 "\_\_\_\_. A retailer operating a retail establishment  
15 constructed or substantially remodeled on or after  
16 January 1, 1999, shall not sell or offer for sale  
17 cigarettes or tobacco products, in a quantity of less  
18 than a carton, through the use of a self-service  
19 display."  
20 4. By renumbering as necessary.

By NEAL SCHUERER

RICHARD F. DRAKE

TOM FLYNN

EUGENE S. FRAISE

S-5450 FILED MARCH 31, 1998

*Lost 4-6-98 (P.1059)*



HOUSE FILE 2120

AN ACT

PROHIBITING THE USE OF SELF-SERVICE DISPLAYS IN THE OFFERING FOR SALE OR SALE OF CIGARETTES OR TOBACCO PRODUCTS, AND PROVIDING A PENALTY.

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

Section 1. LEGISLATIVE INTENT. It is the intent of the general assembly to restrict access of minors to cigarettes and tobacco products by limiting self-service sales and self-service displays of cigarettes and tobacco products. This Act is necessary because of the widespread problem of access of minors to cigarettes and tobacco products through unsupervised sales and shoplifting. The general assembly recognizes that a large percentage of adult smokers begin smoking before they can legally purchase tobacco products. Cigarette smoking is responsible for hundreds of thousands of deaths each year and thousands of minors start smoking each day. The overall purpose of this Act is to protect the health and welfare of the citizens of this state.

Sec. 2. Section 453A.1, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "Carton" means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold, or otherwise distributed to consumers.

NEW SUBSECTION. 15A. "Package" or "pack" means a container of any kind in which cigarettes or tobacco products are offered for sale, sold, or otherwise distributed to consumers.

NEW SUBSECTION. 20A. "Self-service display" means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product

from a restricted access location.

Sec. 3. NEW SECTION. 453A.36A SELF-SERVICE SALES PROHIBITED.

1. Beginning January 1, 1999, except as provided in section 453A.36, subsection 6, a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

2. Violation of this section by a holder of a retail permit is grounds for revocation of such permit.

\_\_\_\_\_  
RON J. CORBETT  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2120, Seventy-seventh General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved April 20, 1998

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TERRY E. BRANSTAD  
Governor