

FEB 26 1997
LOCAL GOVERNMENT

HOUSE FILE 366
BY FALLON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to cigarettes and tobacco products including
2 prohibiting the sale of cigarettes or tobacco products through
3 vending machines in any location accessible to minors,
4 including provisions for advertising related to cigarettes and
5 tobacco products, and providing penalties.

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

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HF 366

1 Section 1. Section 453A.36, subsection 6, Code 1997, 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. However, cigarettes or~~
35 tobacco products shall not be sold through a vending machine

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

8 Sec. 2. NEW SECTION. 453A.36A CIGARETTES AND OTHER
9 TOBACCO PRODUCTS -- ADVERTISING, PROMOTIONAL LIMITATIONS.

10 1. It is unlawful for any person to advertise on any
11 advertising device cigarettes or other tobacco products within
12 one thousand feet of any playground, school, high school, or
13 other facility when such facility is being used primarily by
14 persons under age eighteen for recreational, educational, or
15 other purposes.

16 2. Any advertising of cigarettes or tobacco products on
17 advertising devices in this state, no matter where located,
18 including but not limited to advertising devices located on
19 public transportation or at the point-of-sale, shall be in
20 black and white text only.

21 3. Use of the brand name or logo of a cigarette or tobacco
22 product shall not be used in the promotion of any sport or
23 entertainment event held in this state. However, the
24 corporate name of a manufacturer, distributor, wholesaler,
25 retailer, or distributing agent may be used in the promotion
26 of such an event.

27 4. A person who violates this section is guilty of a
28 serious misdemeanor.

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EXPLANATION

30 The bill prohibits the sale of cigarette or tobacco
31 products through vending machines unless the vending machine
32 is located in a place where the retailer ensures that a person
33 younger than 18 years of age is not present or permitted to
34 enter at any time.

35 The bill also prohibits outdoor advertising of cigarettes

1 and tobacco products within 1,000 feet of a playground,
2 school, high school, or other facility if the facility is
3 being used primarily by persons under the age of 18 for
4 recreational, educational, or other purposes and allows other
5 advertising only if the text of the advertisement is black and
6 white only. The bill also prohibits the use of brand names in
7 the sponsorship of sporting or entertainment events within the
8 state, but allows the use of the corporate name for this
9 purpose.

10 The bill establishes a penalty of a serious misdemeanor for
11 any violation of the new provisions relating to advertising of
12 cigarettes or other tobacco products.

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