

H-3/3/99 Amend/Do Pass w/H 1045
4/6/99 Returned to State Gov.

FEB 3 1999

STATE GOVERNMENT

HOUSE FILE

204

BY MARTIN, CHIODO, MYERS, SUKUP,
BRUNKHORST, FORD, KREIMAN, JOCHUM,
DODERER, DIX, THOMSON, SHOULTZ,
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GARMAN, NELSON, GIPP, CHAPMAN,
KLEMME, HOLMES, GRUNDBERG, BOGGESS,
FALCK, MURPHY, RICHARDSON, THOMAS,
CATALDO, HOLVECK, MASCHER, O'BRIEN,
FALLON, METCALF, RAECKER, HOUSER,
PARMENTER, KUHN, WEIGEL, DREES,
and OSTERHAUS 2/15/99 Sponsor added - Foveal

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 by prohibiting
2 that such products be given away and by prohibiting giving of
3 other items as part of a sale of such cigarettes and tobacco
4 products and making penalties applicable.

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

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HF 204

1 Section 1. Section 421B.4, Code 1999, is amended to read
2 as follows:

3 421B.4 COMBINATION SALES.

4 In all offers for sale or sales involving cigarettes and
5 any other item at a combined price, ~~and-in-all-offers-for~~
6 ~~sale-or-sales-involving-the-giving-of-any-gift-or-concession~~
7 ~~of-any-kind-whatsoever-(whether-it-be-coupons-or-otherwise)-~~
8 the wholesaler's or retailer's combined selling price shall
9 not be below the cost to the wholesaler or the cost to the
10 retailer, ~~respectively-of-the-total-of-all-articles-~~
11 ~~products-commodities-gifts-and-concessions-included-in-such~~
12 ~~transactions---if-any-such-articles-products-commodities-~~
13 ~~gifts-or-concessions-shall-not-be-cigarettes-the-basic-cost~~
14 ~~thereof-shall-be-determined-in-like-manner-as-provided-in~~
15 ~~section-421B-2-subsection-8.~~

16 Sec. 2. Section 453A.39, Code 1999, is amended by striking
17 the section and inserting in lieu thereof the following:

18 453A.39 TOBACCO PRODUCTS, CIGARETTES, GIFTS, AND PAYMENTS
19 FOR DISPLAYING CIGARETTES -- PROHIBITIONS.

20 1. A manufacturer, distributor, wholesaler, retailer, or
21 distributing agent or agent thereof shall not give away
22 cigarettes or tobacco products at any time in connection with
23 the manufacturer's, distributor's, wholesaler's, retailer's,
24 or distributing agent's business or for promotion of the
25 business or product.

26 2. A manufacturer, distributor, wholesaler, retailer, or
27 distributing agent shall not provide free articles, products,
28 commodities, gifts, or concessions in an offer for sale or
29 sale involving cigarettes or tobacco products.

30 EXPLANATION

31 This bill amends the cigarette discount sales law to
32 specifically strike reference to gifts, products, commodities,
33 or concessions that might be given away as an inducement to
34 purchase cigarettes.

35 The bill prohibits tobacco manufacturers, distributors,

1 wholesalers, retailers, or their agents from giving away
2 cigarettes or tobacco products. Present law allows giving
3 away of samples to those over 18 years of age but not within
4 500 feet of a school, playground, or other facility where
5 youth may be present.

6 A person who violates the provision prohibiting the giving
7 away of cigarette or tobacco products is guilty of a simple
8 misdemeanor pursuant to Code section 453A.3, and is subject to
9 a civil penalty pursuant to Code section 453A.22, subsection
10 2.

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HOUSE FILE 204

H-1045

- 1 Amend House File 204 as follows:
- 2 1. Page 1, line 20, by striking the words "A
- 3 manufacturer" and inserting the following: "Unless
- 4 authorized under subsection 3, a manufacturer".
- 5 2. Page 1, line 26, by striking the words "A
- 6 manufacturer" and inserting the following: "Unless
- 7 authorized under subsection 3, a manufacturer".
- 8 3. Page 1, by inserting after line 29 the
- 9 following:
- 10 "3. The prohibitions in this section do not apply
- 11 to transactions between manufacturers, distributors,
- 12 or wholesalers."

By COMMITTEE ON STATE GOVERNMENT
MARTIN of Scott, CHAIRPERSON

H-1045 FILED MARCH 3, 1999