

FEB 23 2001  
HUMAN RESOURCES

HOUSE FILE 385  
BY RAYHONS

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

**A BILL FOR**

1 An Act relating to the legal age for purchasing and possessing  
2 cigarettes and tobacco products.

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

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HF 385

1 Section 1. Section 142A.2, Code 2001, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 8A. "Minor" means a person under twenty-  
4 one years of age.

5 Sec. 2. Section 321.216C, Code 2001, is amended to read as  
6 follows:

7 321.216C USE OF DRIVER'S LICENSE OR NONOPERATOR'S  
8 IDENTIFICATION CARD BY UNDERAGE PERSON TO OBTAIN CIGARETTES OR  
9 TOBACCO PRODUCTS.

10 A person who is under the age of eighteen twenty-one, who  
11 alters or displays or has in the person's possession a  
12 fictitious or fraudulently altered driver's license or  
13 nonoperator's identification card and who uses the license or  
14 card to violate or attempt to violate section 453A.2,  
15 subsection 2, commits a simple misdemeanor punishable by a  
16 fine of one hundred dollars. The court shall forward a copy  
17 of the conviction to the department.

18 Sec. 3. Section 453A.2, subsections, 1, 2, and 3, Code  
19 2001, are amended to read as follows:

20 1. A person shall not sell, give, or otherwise supply any  
21 tobacco, tobacco products, or cigarettes to any person under  
22 eighteen twenty-one years of age.

23 2. A person under eighteen twenty-one years of age shall  
24 not smoke, use, possess, purchase, or attempt to purchase any  
25 tobacco, tobacco products, or cigarettes.

26 3. Possession of cigarettes or tobacco products by an  
27 individual under eighteen twenty-one years of age does not  
28 constitute a violation under this section if the individual  
29 under eighteen twenty-one years of age possesses the  
30 cigarettes or tobacco products as part of the individual's  
31 employment and the individual is employed by a person who  
32 holds a valid permit under this chapter or who lawfully offers  
33 for sale or sells cigarettes or tobacco products.

34 Sec. 4. Section 453A.2, subsection 6, paragraph b, Code  
35 2001, is amended to read as follows:

1 b. The compliance effort is conducted with the advance  
2 knowledge of law enforcement officers and reasonable measures  
3 are adopted by those conducting the effort to ensure that use  
4 of cigarettes or tobacco products by individuals under  
5 ~~eighteen~~ twenty-one years of age does not result from  
6 participation by any individual under ~~eighteen~~ twenty-one  
7 years of age in the compliance effort.

8 Sec. 5. Section 453A.36, subsection 6, Code 2001, is  
9 amended to read as follows:

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

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#### EXPLANATION

31 This bill provides that, relative to selling, giving away,  
32 otherwise supplying, smoking, using, possessing, purchasing,  
33 or attempting to purchase cigarettes and tobacco products, the  
34 legal age of a person or minor is defined as a person under 21  
35 years of age. The bill makes conforming changes throughout

S.F. \_\_\_\_\_ H.F. 385

- 1 the Code.
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