

**House File 2223 - Introduced**

HOUSE FILE 2223

BY KELLEY

**A BILL FOR**

1 An Act relating to electronic smoking devices and providing  
2 civil penalties.

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

1 Section 1. NEW SECTION. 453A.2A Electronic smoking device  
2 — persons under legal age — penalty.

3 1. For the purposes of this section, "*electronic smoking*  
4 *device*" means an electronic or battery-operated device, the  
5 use of which resembles smoking, which can be used to deliver  
6 nicotine or other substances to the person inhaling from the  
7 device. An electronic smoking device includes but is not  
8 limited to an electronic cigarette, cigar, cigarillo, or pipe,  
9 but does not include a cigarette, tobacco product, or nicotine  
10 delivery product or device that is regulated by the United  
11 States food and drug administration or can be prescribed by an  
12 authorized prescriber.

13 2. A person shall not sell, give, or otherwise supply an  
14 electronic smoking device to any person under eighteen years  
15 of age.

16 3. A person under eighteen years of age shall not smoke,  
17 use, possess, purchase, or attempt to purchase an electronic  
18 smoking device.

19 4. Possession of an electronic smoking device by an  
20 individual under eighteen years of age does not constitute a  
21 violation under this section if the individual under eighteen  
22 years of age possesses an electronic smoking device as part of  
23 the individual's employment and the individual is employed by a  
24 person who lawfully offers for sale or sells electronic smoking  
25 devices.

26 5. A person who violates subsection 2, shall be assessed a  
27 civil penalty as follows:

28 a. If the violation is a first offense, the person shall be  
29 assessed a civil penalty in the amount of five hundred dollars.

30 b. If the violation is a second offense, the person shall be  
31 assessed a civil penalty in the amount of one thousand dollars.

32 c. If the violation is a third or subsequent offense, the  
33 person shall be assessed a civil penalty in the amount of one  
34 thousand five hundred dollars.

35 6. A person who violates subsection 3, shall be assessed a

1 civil penalty as follows:

2     *a.* If the violation is a first offense, the person shall be  
3 assessed a civil penalty of fifty dollars.

4     *b.* If the violation is a second offense, the person shall be  
5 assessed a civil penalty of one hundred dollars.

6     *c.* If the violation is a third or subsequent offense, the  
7 person shall be assessed a civil penalty of two hundred fifty  
8 dollars.

9

EXPLANATION

10     This bill relates to electronic smoking devices. The bill  
11 defines an "electronic smoking device" as an electronic or  
12 battery-operated device, the use of which resembles smoking,  
13 which can be used to deliver nicotine or other substances to  
14 the person inhaling from the device. An electronic smoking  
15 device includes but is not limited to an electronic cigarette,  
16 cigar, cigarillo, or pipe, but does not include a cigarette,  
17 tobacco product, or nicotine delivery product or device that is  
18 regulated by the United States food and drug administration or  
19 can be prescribed by an authorized prescriber.

20     The bill prohibits a person from selling, giving, or  
21 otherwise supplying an electronic smoking device to any person  
22 under 18 years of age and prohibits a person under 18 years of  
23 age from smoking, using, possessing, purchasing, or attempting  
24 to purchase an electronic smoking device.

25     The bill provides that possession of an electronic smoking  
26 device by an individual under 18 years of age does not  
27 constitute a violation if the individual under 18 years of age  
28 possesses the device as part of the individual's employment and  
29 the individual is employed by a person who lawfully offers for  
30 sale or sells electronic smoking devices.

31     A person who violates the bill by selling, giving, or  
32 otherwise supplying an electronic smoking device to any person  
33 under 18 years of age, is to be assessed a civil penalty based  
34 on the number of offenses. For a first offense, the civil  
35 penalty is \$500, for a second offense, \$1,000, and for a

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1 third or subsequent offense, \$1,500. A person under 18 years  
2 of age who violates the bill by smoking, using, possessing,  
3 purchasing, or attempting to purchase an electronic smoking  
4 device is to be assessed a civil penalty based on the number of  
5 offenses. For a first offense, the civil penalty is \$50, for a  
6 second offense, \$100, and for a third or subsequent offense,  
7 \$250.