

House File 2034 - Introduced

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A BILL FOR

1 An Act relating to tobacco products, and making penalties
2 applicable.

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

1 Section 1. Section 453A.1, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 23A. "*Smoking simulation device*" means
4 a device, however powered including by a mechanical heating
5 element, battery, or electronic circuit, and any cartridge,
6 atomizer, component, part, or accessory of the device, that
7 can be used to orally deliver to a person using the device,
8 nicotine or other substance irrespective of its potency or
9 material state or whether flavored, adulterated, or mixed with
10 other ingredients, and irrespective of whether actual smoke or
11 another resulting substance is inhaled, exhaled, emitted, or
12 otherwise produced or consumed. "*Smoking simulation device*"
13 includes but is not limited to an electronic cigarette, an
14 electronic cigar, an electronic cigarillo, an electronic pipe,
15 and an electronic hookah.

16 Sec. 2. Section 453A.1, subsection 26, Code 2014, is amended
17 to read as follows:

18 26. "*Tobacco products*" means any product, or component,
19 part, or accessory of such product, containing, made in
20 whole or in part from, ordinarily derived from, or designed
21 to deliver tobacco, a tobacco substitute, or nicotine, and
22 intended for human consumption whether by chewing, absorbing,
23 dissolving, inhaling, snorting, sniffing, ingesting, or
24 vaporizing or by any other means. "*Tobacco products*" includes
25 but is not limited to smoking simulation devices; cigars;
26 little cigars as defined in section 453A.42, subsection 5;
27 cheroots; stogies; periques; granulated; plug cut, crimp cut,
28 ready rubbed, and other smoking tobacco; snuff, snuff flour;
29 cavendish; plug and twist tobacco; fine-cut and other chewing
30 tobaccos; shorts; ~~or~~ refuse scraps, clippings, cuttings and
31 sweepings of tobacco~~r~~; and other kinds and forms of tobacco~~r~~
32 prepared in such manner as to be suitable for chewing or
33 smoking in a pipe or otherwise, or both for chewing and
34 smoking; but does not mean include cigarettes. "*Tobacco*
35 products" includes tobacco products as defined under the

1 federal Food, Drug, and Cosmetic Act, as amended, but does
2 not include any tobacco product that has been approved by the
3 United States food and drug administration solely for sale as a
4 tobacco cessation product or for other medical purposes, and is
5 marketed and sold solely for such an approved purpose.

6 Sec. 3. Section 453A.36A, subsection 1, Code 2014, is
7 amended to read as follows:

8 1. ~~Beginning January 1, 1999, except~~ Except as provided in
9 section 453A.36, subsection 6, a retailer as defined in section
10 453A.1 or 453A.42 shall not sell or offer for sale cigarettes
11 or tobacco products, ~~in a quantity of less than a carton,~~
12 through the use of a self-service display.

13 Sec. 4. Section 453A.39, Code 2014, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 3. As used in this section, manufacturer,
16 distributor, wholesaler, retailer, and distributing agent mean
17 the same as defined in sections 453A.1 and 453A.42.

18 Sec. 5. Section 453A.42, subsection 15, Code 2014, is
19 amended to read as follows:

20 15. *"Tobacco products"* means any product, or component,
21 part, or accessory of such product, containing, made in
22 whole or in part from, ordinarily derived from, or designed
23 to deliver tobacco, a tobacco substitute, or nicotine, and
24 intended for human consumption whether by chewing, absorbing,
25 dissolving, inhaling, snorting, sniffing, ingesting, or
26 vaporizing, or by any other means. "Tobacco products" includes
27 but is not limited to smoking simulation devices; cigars;
28 little cigars as defined herein; cheroots; stogies; periques;
29 granulated, plug cut, crimp cut, ready rubbed, and other
30 smoking tobacco; snuff; snuff flour; cavendish; plug and twist
31 tobacco; fine-cut and other chewing tobaccos; shorts; refuse
32 scraps, clippings, cuttings and sweepings of tobacco; and
33 other kinds and forms of tobacco, prepared in such manner as
34 to be suitable for chewing or smoking in a pipe or otherwise,
35 or both for chewing and smoking; but shall does not include

1 part, or accessory of the device, that can be used to orally
2 deliver to a person using the device, nicotine or other
3 substance irrespective of its potency or material state or
4 whether flavored, adulterated, or mixed with other ingredients,
5 and irrespective of whether actual smoke or another resulting
6 substance is inhaled, exhaled, emitted, or otherwise produced
7 or consumed. "Smoking simulation device" includes but is not
8 limited to an electronic cigarette, an electronic cigar, an
9 electronic cigarillo, an electronic pipe, and an electronic
10 hookah.

11 The bill amends the provision under Code chapter 453A
12 relating to self-service sales of cigarettes or tobacco
13 products which currently is limited to those in a quantity of
14 less than a carton, to apply to any amount.

15 Current Code provisions relating to retailers,
16 manufacturers, distributors, wholesalers, distributing agents
17 or their agents; and current Code provisions relating to
18 restrictions on the use and possession of tobacco products
19 by minors, and on the sale, giving, or supplying of tobacco
20 products to minors and the supplying of samples of tobacco
21 products to minors apply to the expanded definitions of tobacco
22 products including smoking simulation devices. However,
23 smoking simulation devices are exempted from the tax and
24 affixing of stamps requirements otherwise applicable to tobacco
25 products.

26 Current civil and criminal penalties as well as license
27 revocation provisions are applicable to individuals and those
28 holding tobacco product permits who violate provisions relating
29 to tobacco products as defined under the bill.