

**Senate File 2097 - Introduced**

SENATE FILE 2097

BY FEENSTRA

**A BILL FOR**

1 An Act relating to the legal age relating to the purchase,  
2 possession, or use of tobacco, tobacco products, alternative  
3 nicotine products, vapor products, and cigarettes, and  
4 including effective date and applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 453A.2, subsections 1, 2, and 3, Code  
2 2018, are amended to read as follows:

3 1. A person shall not sell, give, or otherwise supply any  
4 tobacco, tobacco products, alternative nicotine products, vapor  
5 products, or cigarettes to any person under ~~eighteen~~ twenty-one  
6 years of age.

7 2. A person under ~~eighteen~~ twenty-one years of age shall  
8 not smoke, use, possess, purchase, or attempt to purchase any  
9 tobacco, tobacco products, alternative nicotine products, vapor  
10 products, or cigarettes.

11 3. Possession of tobacco, tobacco products, alternative  
12 nicotine products, vapor products, or cigarettes by an  
13 individual under ~~eighteen~~ twenty-one years of age does not  
14 constitute a violation under [this section](#) if the individual  
15 under ~~eighteen~~ twenty-one years of age possesses the tobacco,  
16 tobacco products, alternative nicotine products, vapor  
17 products, or cigarettes as part of the individual's employment  
18 and the individual is employed by a person who holds a valid  
19 permit under [this chapter](#) or who lawfully offers for sale or  
20 sells cigarettes or tobacco products.

21 Sec. 2. Section 453A.2, subsection 8, paragraph a,  
22 subparagraph (2), Code 2018, is amended to read as follows:

23 (2) The compliance effort is conducted with the advance  
24 knowledge of law enforcement officers and reasonable measures  
25 are adopted by those conducting the effort to ensure that use  
26 of tobacco, tobacco products, alternative nicotine products,  
27 vapor products, or cigarettes by individuals under ~~eighteen~~  
28 twenty-one years of age does not result from participation by  
29 any individual under ~~eighteen~~ twenty-one years of age in the  
30 compliance effort.

31 Sec. 3. Section 453A.5, subsection 1, Code 2018, is amended  
32 to read as follows:

33 1. The alcoholic beverages division of the department of  
34 commerce shall develop a tobacco compliance employee training  
35 program not to exceed two hours in length for employees and

1 prospective employees of retailers, as defined in sections  
2 453A.1 and 453A.42, to inform the employees about state and  
3 federal laws and regulations regarding the sale of tobacco,  
4 tobacco products, alternative nicotine products, vapor  
5 products, and cigarettes to persons under ~~eighteen~~ twenty-one  
6 years of age and compliance with and the importance of laws  
7 regarding the sale of tobacco, tobacco products, alternative  
8 nicotine products, vapor products, and cigarettes to persons  
9 under ~~eighteen~~ twenty-one years of age.

10 Sec. 4. Section 453A.36, subsection 6, Code 2018, is amended  
11 to read as follows:

12 6. Any sales of tobacco, tobacco products, alternative  
13 nicotine products, vapor products, or cigarettes made through a  
14 cigarette vending machine are subject to rules and penalties  
15 relative to retail sales of tobacco, tobacco products,  
16 alternative nicotine products, vapor products, and cigarettes  
17 provided for in [this chapter](#). Cigarettes shall not be sold  
18 through any cigarette vending machine unless the cigarettes  
19 have been properly stamped or metered as provided by this  
20 division, and in case of violation of this provision, the  
21 permit of the dealer authorizing retail sales of cigarettes  
22 shall be revoked. Payment of the permit fee as provided  
23 in [section 453A.13](#) authorizes a cigarette vendor to sell  
24 tobacco, tobacco products, alternative nicotine products, vapor  
25 products, and cigarettes through vending machines. However,  
26 tobacco, tobacco products, alternative nicotine products,  
27 vapor products, and cigarettes shall not be sold through a  
28 vending machine unless the vending machine is located in a  
29 place where the retailer ensures that no person younger than  
30 ~~eighteen~~ twenty-one years of age is present or permitted to  
31 enter at any time. Tobacco, tobacco products, alternative  
32 nicotine products, vapor products, and cigarettes shall not be  
33 sold through any cigarette vending machine if such products  
34 are placed together with any nontobacco product, other than  
35 matches, in the cigarette vending machine. [This section](#) does

1 not require a retail permit holder to buy a cigarette vendor's  
2 permit if the retail permit holder is in fact the owner of the  
3 cigarette vending machines and the machines are operated in the  
4 location described in the retail permit.

5 Sec. 5. Section 453A.39, subsection 2, paragraphs b and c,  
6 Code 2018, are amended to read as follows:

7 b. A manufacturer, distributor, wholesaler, retailer, or  
8 distributing agent or agent thereof shall not give away any  
9 tobacco, tobacco products, alternative nicotine products, vapor  
10 products, or cigarettes to any person under ~~eighteen~~ twenty-one  
11 years of age, or within five hundred feet of any playground,  
12 school, high school, or other facility when such facility is  
13 being used primarily by persons under ~~age eighteen~~ twenty-one  
14 years of age for recreational, educational, or other purposes.

15 c. Proof of age shall be required if a reasonable person  
16 could conclude on the basis of outward appearance that a  
17 prospective recipient of a sample may be under ~~eighteen~~  
18 twenty-one years of age.

19 Sec. 6. Section 453A.47B, subsection 1, unnumbered  
20 paragraph 1, Code 2018, is amended to read as follows:

21 Prior to sale to the purchaser, the retailer verifies that  
22 the purchaser is at least ~~eighteen~~ twenty-one years of age  
23 through or by one of the following:

24 Sec. 7. Section 453A.47B, subsection 2, Code 2018, is  
25 amended to read as follows:

26 2. The retailer uses a method of mailing, shipping, or  
27 delivery that requires the signature of a person who is at  
28 least ~~eighteen~~ twenty-one years of age before the shipping  
29 package is released to the purchaser.

30 Sec. 8. EFFECTIVE DATE. This Act takes effect January 1,  
31 2019.

32 Sec. 9. APPLICABILITY. This Act shall not apply to any  
33 person who is eighteen years of age or older before January 1,  
34 2019, and who, before that date, could lawfully smoke, use,  
35 possess, purchase, or attempt to purchase tobacco, tobacco

1 products, alternative nicotine products, vapor products, or  
2 cigarettes.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

6 This bill provides that, beginning January 1, 2019, the  
7 legal age relative to the purchase, possession, or use of  
8 tobacco, tobacco products, alternative nicotine products, vapor  
9 products, and cigarettes is 21 years of age. The bill provides  
10 that a person shall not sell, give, or otherwise supply any  
11 tobacco, tobacco products, alternative nicotine products, vapor  
12 products, or cigarettes to any person under 21 years of age;  
13 and that a person under 21 years of age shall not smoke, use,  
14 possess, purchase, or attempt to purchase any tobacco, tobacco  
15 products, alternative nicotine products, vapor products, or  
16 cigarettes.

17 The bill makes conforming changes in the Code for exceptions  
18 to possession of tobacco, tobacco products, alternative  
19 nicotine products, vapor products, or cigarettes by an  
20 individual under 21 years of age if the individual possesses  
21 the product as part of the individual's employment and if the  
22 individual is involved in a compliance effort. The bill also  
23 provides that relative to vending machines, tobacco, tobacco  
24 products, alternative nicotine products, vapor products, and  
25 cigarettes shall not be sold through a vending machine unless  
26 the vending machine is located in a place where the retailer  
27 ensures that no person younger than 21 years of age is present  
28 or permitted to enter at any time. The bill also provides that  
29 for the purposes of giving away these products or providing  
30 samples, the recipient must be 21 years of age or older.

31 The bill is not applicable to any person who is 18 years  
32 of age or older before January 1, 2019, and who, before that  
33 date, could lawfully smoke, use, possess, purchase, or attempt  
34 to purchase tobacco, tobacco products, alternative nicotine  
35 products, vapor products, or cigarettes.