

Senate File 5 - Introduced

SENATE FILE 5
BY QUIRMBACH

A BILL FOR

1 An Act raising the legal age relating to tobacco, tobacco
2 products, alternative nicotine products, vapor products, and
3 cigarettes, and including effective date and applicability
4 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 2017, 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 2017, 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 2017, 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 2017, 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 2017, 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 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. EFFECTIVE DATE. This Act takes effect January 1,
20 2018.

21 Sec. 7. APPLICABILITY. This Act shall not apply to any
22 person who is eighteen years of age or older before January
23 1, 2018, and at such time could lawfully smoke, use, possess,
24 purchase, or attempt to purchase tobacco, tobacco products,
25 alternative nicotine products, vapor products, or cigarettes.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill provides that, beginning January 1, 2018, the
30 legal age relative to tobacco, tobacco products, alternative
31 nicotine products, vapor products, and cigarettes is 21 years
32 of age. The bill provides that a person shall not sell, give,
33 or otherwise supply any tobacco, tobacco products, alternative
34 nicotine products, vapor products, or cigarettes to any person
35 under 21 years of age; that a person under 21 years of age shall

1 not smoke, use, possess, purchase, or attempt to purchase any
2 tobacco, tobacco products, alternative nicotine products, vapor
3 products, or cigarettes. The bill makes conforming changes
4 in the Code for exceptions to possession of tobacco, tobacco
5 products, alternative nicotine products, vapor products, or
6 cigarettes by an individual under 21 years of age if the
7 individual possesses the product as part of the individual's
8 employment and if the individual is involved in a compliance
9 effort. The bill also provides that relative to vending
10 machines, tobacco, tobacco products, alternative nicotine
11 products, vapor products, and cigarettes shall not be sold
12 through a vending machine unless the vending machine is located
13 in a place where the retailer ensures that no person younger
14 than 21 years of age is present or permitted to enter at any
15 time. The bill also provides that for the purposes of giving
16 away these products or providing samples, the recipient must be
17 21 years of age or older.

18 The bill is not applicable to any person who is 18 years of
19 age or older before January 1, 2018, and at such time could
20 lawfully smoke, use, possess, purchase, or attempt to purchase
21 tobacco, tobacco products, alternative nicotine products, vapor
22 products, or cigarettes.