

SENATE FILE 2041  
BY MADDOX

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

A BILL FOR

1 An Act relating to certain cigarettes and tobacco products and  
2 accessories, providing penalties, and making penalties  
3 applicable.

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

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**SENATE FILE 2041**  
**S-5014**  
1 Amend Senate File 2041 to read as follows:  
2 1. Page 1, line 13, by inserting after the word  
3 "materials." the following: "'Smoking herbs" does not  
4 include any substance of plant origin or other  
5 derivative that is a controlled substance, as defined  
6 in section 124.101, including but not limited to  
7 marijuana as defined in that section, or any such  
8 substance that is otherwise prohibited or regulated by  
9 law."  
**By O. GENE MADDOX**  
**S-5014 FILED FEBRUARY 5, 2002**

SF 2041 JUDICIARY

1 Section 1. Section 453A.1, Code 2001, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 1A. "Bidi cigarette" means a product  
4 that contains tobacco that is wrapped in temburni or tendu  
5 leaf or any other material identified by rules of the Iowa  
6 department of public health that is similar in appearance or  
7 characteristics to the temburni or tendu leaf.

8 NEW SUBSECTION. 23A. "Smoking herbs" means all substances  
9 of plant origin and other derivatives including but not  
10 limited to broom, calea, California poppy, damiana, hops,  
11 ginseng, lobelia, jimson weed and other members of the Datura  
12 genus, passion flower, and wild lettuce, which are processed  
13 or sold primarily for use as smoking materials.

14 NEW SUBSECTION. 25A. "Tobacco accessories" means  
15 cigarette papers, pipes, holders of smoking materials of all  
16 types, cigarette rolling machines, and other items, designed  
17 primarily for the smoking or ingestion of tobacco, tobacco  
18 products, or cigarettes or of any illegal substance or of a  
19 substance whose sale, giving, or otherwise supplying to  
20 another person is prohibited by law.

21 Sec. 2. Section 453A.1, subsection 3, Code 2001, is  
22 amended to read as follows:

23 3. "Cigarette" means any roll for smoking made wholly or  
24 in part of tobacco, or any substitute for tobacco,  
25 irrespective of size or shape and irrespective of tobacco or  
26 any substitute for tobacco being flavored, adulterated, or  
27 mixed with any other ingredient, where when such roll has a  
28 wrapper or cover made of paper or any other material.

29 ~~Provided-the-definition-herein-shall-not-be-construed-to~~  
30 "Cigarette" includes a bidi cigarette but does not include  
31 cigars a cigar.

32 Sec. 3. NEW SECTION. 453A.5 TOBACCO ACCESSORIES AND  
33 SMOKING HERBS -- PROHIBITIONS -- PERSONS UNDER LEGAL AGE --  
34 PENALTIES.

35 1. A person shall not sell, give, or otherwise supply

1 tobacco accessories or smoking herbs to any person under  
2 eighteen years of age.

3 2. A person who violates this section is subject to the  
4 following penalties, as applicable:

5 a. For a first offense, a civil penalty of not less than  
6 one hundred dollars but not to exceed five hundred dollars.

7 b. For a second offense within a two-year period, a civil  
8 penalty of not less than two hundred dollars but not to exceed  
9 five hundred dollars.

10 c. For a third or subsequent offense within a two-year  
11 period, a civil penalty of not less than five hundred dollars  
12 but not to exceed one thousand dollars.

13 Sec. 4. NEW SECTION. 453A.5A BIDI CIGARETTES --  
14 PROHIBITIONS -- PENALTIES.

15 1. A person shall not sell, give, or otherwise supply bidi  
16 cigarettes to a person eighteen years of age or older.

17 2. A person who violates this section is subject to the  
18 following penalties, as applicable:

19 a. For a first offense, a civil penalty of not less than  
20 one hundred dollars but not to exceed five hundred dollars.

21 b. For a second offense within a two-year period, a civil  
22 penalty of not less than two hundred dollars but not to exceed  
23 five hundred dollars.

24 c. For a third or subsequent offense within a two-year  
25 period, a civil penalty of not less than five hundred dollars  
26 but not to exceed one thousand dollars.

27 EXPLANATION

28 This bill relates to certain cigarettes, tobacco products,  
29 and tobacco accessories.

30 The bill defines "bidi cigarette" and also includes a bidi  
31 cigarette in the definition of "cigarette". By including bidi  
32 cigarettes in the definition of cigarettes, all other  
33 provisions of Code chapter 453A (cigarette and tobacco taxes)  
34 that apply to cigarettes in general also apply specifically to  
35 bidi cigarettes, including payment of the tax on cigarettes,

1 affixing of stamps, and permit requirements. By reference to  
2 this definition of cigarettes, the provisions of Code chapter  
3 142A (tobacco use prevention and control) and of Code chapter  
4 321 (motor vehicle and laws of the road) would also relate to  
5 bidi cigarettes. Additionally, under the bill, existing law  
6 relating to persons under legal age and cigarettes in general,  
7 including existing penalties, would also apply to persons  
8 under legal age and bidi cigarettes, specifically. The bill  
9 also includes a separate section that prohibits the sale,  
10 giving, or otherwise supplying of only cigarettes that are  
11 bidi cigarettes to persons 18 years of age or older. The  
12 penalties for the sale, giving, or otherwise supplying of bidi  
13 cigarettes to persons 18 years of age or older are: for a  
14 first offense, a civil penalty of not less than \$100 but not  
15 to exceed \$500; for a second offense within a two-year period,  
16 a civil penalty of not less than \$200 but not to exceed \$500;  
17 and for a third or subsequent offense within a two-year  
18 period, a civil penalty of not less than \$500 but not to  
19 exceed \$1,000.

20 The bill defines "smoking herbs" and "tobacco accessories"  
21 and provides that a person shall not sell, give, or otherwise  
22 supply tobacco accessories or smoking herbs to any person  
23 under 18 years of age. The penalties for violation of the  
24 prohibition are: for a first offense, a civil penalty of not  
25 less than \$100 but not to exceed \$500; for a second offense  
26 within a two-year period, a civil penalty of not less than  
27 \$200 but not to exceed \$500; and for a third or subsequent  
28 offense within a two-year period, a civil penalty of not less  
29 than \$500 but not to exceed \$1,000.

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