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104TH CONGRESS

2D SESSION H. R. 3954 To restrict the access of youth to tobacco products, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES AUGUST 2, 1996 Mr. FOX of Pennsylvania introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Gov- ernment Reform and Oversight, for a period to be subsequently deter- mined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL To restrict the access of youth to tobacco products, and

for other purposes.
1 Be it enacted by the Senate and House of Representa-

2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the ‘‘Control of Youth Ac-
5 cess to Tobacco Act’’.
6 SEC. 2. ACCESS.
7 (a) VENDING MACHINES.—Vending machines may
8 not be used to sell tobacco products unless the age of the
9 users of such machines can be verified or admittance to

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1 the sites of the vending machines is limited to individuals
2 18 or older.

3 (b) MAIL.—Tobacco products shall be considered
4 nonmailable matter for purposes of chapter 30 of title 39,

5 United States Code.
6 (c) MINIMUM AGE.—No manufacturer, distributor,
7 or retailer of tobacco products may sell a tobacco product

8 to an individual who is less than 18 years old, except that 9 if a State has established a higher age, no manufacturer,

10 distributor, or retailer of tobacco products may sell to-
11 bacco products in that State to an individual who is less
12 than such higher age.
13 (d) INDIVIDUAL AND SMALL PACKAGES OF CIGA-

14 RETTES.—No single cigarettes and no cigarettes in a

15 package of fewer than 20 cigarettes may be sold or distrib-
16 uted by a manufacturer, distributor, or retailer of tobacco
17 products.

18 (e) SAMPLING.—No manufacturer, distributor, or re-
19 tailer of tobacco products may offer or distribute tobacco

20 products for sampling except in an area or establishment
21 from which individuals under the minimum age prescribed
22 by subsection (c) are denied access.
23 SEC. 3. SALES.

24 (a) SIGNS.—Retailers of tobacco products shall

25 prominently place in the areas of their establishments

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1 where tobacco products are sold signs which indicate the
2 minimum age for the purchase of tobacco products pre-

3 scribed by section 2(c) and the proof of age requirements 4 which shall include the presentation of a card identifying

5 the purchaser with a photograph.
6 (b) CERTIFICATION.—Retailers of tobacco products
7 and their employees shall sign an annual certification of

8 a knowledge of the minimum age requirement for the pur-9 chase of tobacco products and of the intention to enforce
10 such age. Such certification shall be given to the office

11 of the State government with authority over the minimum
12 age requirement for the purchase of tobacco products.
13 (c) FACE-TO-FACE SALES.—The retailers of tobacco

14 products and their employees shall ensure that all sales

15 transactions involving tobacco products are conducted
16 face-to-face.
17 SEC. 4. ADVERTISING.

18 Outdoor advertising of tobacco products, including
19 outward facing window ads in retail establishments, shall

20 be banned within 1000 feet of any playground or elemen-
21 tary or secondary school and shall be banned in accord-
22 ance with such further restrictions as a State or political

23 subdivision of a State may impose.

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1 SEC. 5. PROMOTION.

2 (a) IN GENERAL.—The promotion of tobacco prod-
3 ucts (including brand names, logos, characters, or any
4 other type of selling message) shall be banned in family

5 amusement centers, including video arcades, in or on video
6 games located in areas or establishments to which individ-

7 uals under the minimum age prescribed by section 2(c) 8 may gain access, or in accordance with such further re-
9 strictions on promotion as a State or political subdivision

10 of a State may impose.
11 (b) NAMES.—The manufacturers of tobacco products

12 may not employ non-tobacco names for their products un-13 less such names were in use before January 1, 1995.
14 (c) COUPONS.—No manufacturer, distributor, or re-

15 tailer of tobacco products may distribute tobacco products
16 through the redemption of coupons except in face-to-face

17 transactions where proof of age is required.

18 SEC. 6. DEFINITION.

19 For purposes of this Act, the term ‘‘tobacco product’’

20 includes cigarettes, cigars, little cigars, pipe tobacco, and
21 smokeless tobacco.
22 SEC. 7. IMPLEMENTATION.

23 (a) EFFECTIVE DATE.—This Act shall take effect

24 upon the expiration of 180 days after the date of its enact-
25 ment.

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1 (b) ENFORCEMENT.—Violations of this Act shall be
2 enforced by the States through their health departments

3 or such other department as the State may designate.

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