

HOUSE BILL No. 1254

DIGEST OF INTRODUCED BILL

Citations Affected: None (noncode).

Synopsis: Tobacco enforcement. Prohibits the office of the attorney general and the division of mental health from entering or renewing a contract with the United States Food and Drug Administration to obtain state assistance in investigating retail establishments that sell tobacco products unless the contract meets the following conditions: (1) Minors used in investigations must be 15 or 16 years of age. (2) Undercover purchases must be limited to specific hours. (3) Minors who participate must be periodically photographed and provide a birth certificate. (4) Unannounced inspections may only be performed by the alcoholic beverages commission, state police, county sheriff, or the police of a municipal corporation.

Effective: Upon passage; July 1, 1998.

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January 13, 1998, read first time and referred to Committee on Public Health.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1254

A BILL FOR AN ACT concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **The office of the**
2 **attorney general and the division of mental health may not enter**
3 **into or renew a contract with the United States Food and Drug**
4 **Administration to obtain state assistance in investigational**
5 **coverage of retail establishments that sell tobacco products unless**
6 **the contract meets the following requirements:**
7 (1) **Unless specifically required by the United States Food and**
8 **Drug Administration, an individual who is used in an**
9 **unannounced investigation of a retail establishment that sells**
10 **tobacco products must be at least fifteen (15) years of age but**
11 **not more than sixteen (16) years of age.**
12 (2) **Undercover purchases of tobacco products by an**
13 **individual described in subdivision (1) may only be made:**
14 (A) **between the hours of 3 p.m. and 6 p.m. on weekdays**
15 **during the school year; and**
16 (B) **during daylight hours on weekends and school vacation**



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1 **days.**
2 **(3) That for each individual described in subdivision (1) who**
3 **is used to make undercover purchases of tobacco products:**
4 **(A) a picture of the individual must be taken:**
5 **(i) not more than thirty (30) days after consent has been**
6 **obtained for the individual to participate in undercover**
7 **purchases; and**
8 **(ii) once each month beginning the month after the date**
9 **the initial picture is obtained; and**
10 **(B) a copy of the individual's birth certificate must be kept**
11 **in a confidential file maintained for the United States Food**
12 **and Drug Administration.**
13 **(4) Unannounced inspections of retail establishments that sell**
14 **tobacco products may only be conducted by an entity listed**
15 **under IC 7.1-6-2-1.**
16 **(b) This SECTION expires June 30, 2001.**
17 **SECTION 2. An emergency is declared for this act.**

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