



Reprinted
January 23, 2008

SENATE BILL No. 221

DIGEST OF SB 221 (Updated January 22, 2008 3:28 pm - DI 77)

Citations Affected: IC 35-46.

Synopsis: Warning to pregnant women of tobacco use. Requires tobacco vending machines and establishments that sell tobacco to post a notice that: (1) states that smoking by pregnant women may result in fetal injury, premature birth, and low birth weight; and (2) provides a phone number for assistance to quit smoking.

Effective: July 1, 2008.

**Simpson, Becker, Merritt, Riegsecker,
Young R**

January 8, 2008, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.
January 17, 2008, reported favorably — Do Pass.
January 22, 2008, read second time, amended, ordered engrossed.

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SB 221—LS 6754/DI 77+



Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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SENATE BILL No. 221

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

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

- 1 SECTION 1. IC 35-46-1-11 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. (a) A tobacco
3 vending machine that is located in a public place must bear ~~a~~ **the**
4 **following conspicuous notice: notices:**
- 5 (1) **A notice:**
- 6 (A) that reads as follows, with the capitalization indicated: "If
7 you are under 18 years of age, YOU ARE FORBIDDEN by
8 Indiana law to buy tobacco from this machine."; or
9 (2) (B) that:
- 10 (A) (i) conveys a message substantially similar to the
11 message described in ~~subdivision (1);~~ **clause (A)**; and
12 (B) (ii) is formatted with words and in a form authorized
13 under the rules adopted by the alcohol and tobacco
14 commission.
- 15 (2) **A notice that reads as follows, "Smoking by Pregnant**
16 **Women May Result in Fetal Injury, Premature Birth, and**
17 **Low Birth Weight."**



- 1 (b) A person who owns or has control over a tobacco vending
- 2 machine in a public place and who:
- 3 (1) fails to post ~~the a~~ notice required by subsection (a) on ~~his the~~
- 4 vending machine; or
- 5 (2) fails to replace ~~the a~~ notice within one (1) month after it is
- 6 removed or defaced;
- 7 commits a Class C infraction.
- 8 (c) An establishment selling tobacco at retail shall post and maintain
- 9 in a conspicuous place, ~~a sign,~~ **at the point of sale, signs** printed in
- 10 letters at least one-half (1/2) inch high, reading as follows:
- 11 (1) "The sale of tobacco to persons under 18 years of age is
- 12 forbidden by Indiana law."
- 13 (2) **"Smoking by Pregnant Women May Result in Fetal**
- 14 **Injury, Premature Birth, and Low Birth Weight." For help**
- 15 **call Quitline 1-800-227-2345.**
- 16 (d) A person who:
- 17 (1) owns or has control over an establishment selling tobacco at
- 18 retail; and
- 19 (2) fails to post and maintain the sign required by subsection (c);
- 20 commits a Class C infraction.

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SENATE MOTION

Madam President: I move that Senators Becker, Merritt, Riegsecker and Young R be added as coauthors of Senate Bill 221.

SIMPSON

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 221, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 221 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 6, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 221 be amended to read as follows:

Page 2, line 14, after "**Weight.**" insert "**For help call Quitline 1-800-227-2345.**".

(Reference is to SB 221 as printed January 18, 2008.)

SIMPSON

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