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# HOUSE BILL No. 1146

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 7.1-3-18.5-5; IC 24-3-4.5.

**Synopsis:** Flavored tobacco products and cigarettes. Makes the manufacture, distribution, or advertising of flavored cigarettes a Class A infraction, and provides that the alcohol and tobacco commission may revoke the registration or sales certificate of a person who manufactures, distributes, or advertises flavored cigarettes.

**Effective:** July 1, 2011.

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**Smith V**

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January 6, 2011, read first time and referred to Committee on Public Policy.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## HOUSE BILL No. 1146



A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

1 SECTION 1. IC 7.1-3-18.5-5, AS AMENDED BY P.L.94-2008,  
2 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2011]: Sec. 5. (a) Subject to subsection (b), the commission  
4 may suspend the certificate of a person who fails to pay a civil penalty  
5 imposed for violating IC 35-46-1-10, IC 35-46-1-10.2, IC 35-46-1-11.5,  
6 or IC 35-46-1-11.7.

7 (b) Before enforcing the imposition of a civil penalty or suspending  
8 or revoking a certificate under this chapter, the commission shall  
9 provide written notice of the alleged violation to the certificate holder  
10 and conduct a hearing. The commission shall provide written notice of  
11 the civil penalty or suspension or revocation of a certificate to the  
12 certificate holder.

13 (c) Subject to subsection (b), the commission shall revoke the  
14 certificate of a person upon a finding by a preponderance of the  
15 evidence that the person:

- 16 (1) has violated IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4;
- 17 (2) has committed habitual illegal sale of tobacco as established



1 under IC 35-46-1-10.2(h); or  
2 (3) has committed habitual illegal entrance by a minor as  
3 established under IC 35-46-1-11.7(f).

4 **(d) Subject to subsection (b), the commission may revoke the**  
5 **certificate of a person upon a finding by a preponderance of the**  
6 **evidence that the person has violated IC 24-3-4.5-6 or**  
7 **IC 24-3-4.5-7.**

8 SECTION 2. IC 24-3-4.5 IS ADDED TO THE INDIANA CODE  
9 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2011]:

11 **Chapter 4.5. Flavored Cigarettes**

12 **Sec. 1. As used in this chapter, "cigarette" has the meaning set**  
13 **forth in IC 24-3-2-2.**

14 **Sec. 2. As used in this chapter, "cigarette flavoring" means an**  
15 **herb, spice, artificial flavor, or natural flavor. The term includes**  
16 **strawberry, grape, orange, clove, cinnamon, pineapple, vanilla,**  
17 **coconut, marijuana, licorice, cocoa, chocolate, cherry, and coffee.**  
18 **The term does not include tobacco or menthol.**

19 **Sec. 3. As used in this chapter, "commission" means the alcohol**  
20 **and tobacco commission.**

21 **Sec. 4. As used in this chapter, "component parts" means the**  
22 **components that make up a cigarette. The term includes the**  
23 **tobacco, filter, or paper.**

24 **Sec. 5. As used in this chapter, "flavored cigarette" means a**  
25 **cigarette that:**

26 **(1) contains as an additive or constituent (including a smoke**  
27 **constituent); or**

28 **(2) has component parts that contain as an additive or**  
29 **constituent (including a smoke constituent);**

30 **a cigarette flavoring that is a characterizing flavor of the cigarette**  
31 **or tobacco smoke.**

32 **Sec. 6. A person who manufactures, distributes, or advertises a**  
33 **flavored cigarette commits a Class A infraction.**

34 **Sec. 7. A person who possesses a flavored cigarette with the**  
35 **intent to manufacture, distribute, or advertise a flavored cigarette**  
36 **commits a Class A infraction.**

37 **Sec. 8. The commission may revoke the registration certificate**  
38 **(as described in IC 6-7-1-16) or the retail sales certificate (as**  
39 **described in IC 7.1-3-18.5-1) held by a person who commits an**  
40 **infraction under section 6 or 7 of this chapter.**

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