
HOUSE BILL No. 1522

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4-18; IC 35-46-1-11.7.

Synopsis: Smoking devices and tobacco businesses. Provides that smoking pipes and smoking devices may be sold at retail only by tobacco businesses in which: (1) the primary activity is the sale of tobacco, tobacco products, and tobacco accessories; and (2) the sale of other products is incidental. Makes a violation of this provision a Class A infraction. Makes it a Class C infraction for: (1) a tobacco business to allow an individual who is less than 18 years of age to enter the tobacco business; or (2) an individual who is less than 18 years of age to enter a tobacco business.

Effective: July 1, 2011.

VanDenburgh

January 20, 2011, read first time and referred to Committee on Public Policy.

C
O
P
Y



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.

C
O
P
Y

HOUSE BILL No. 1522



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

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

1 SECTION 1. IC 24-4-18 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]:

4 **Chapter 18. Smoking Pipes and Smoking Devices**

5 **Sec. 1. As used in this chapter, "tobacco" includes:**

- 6 (1) **chewing tobacco;**
- 7 (2) **cigars, cigarettes, and snuff that contain tobacco; and**
- 8 (3) **pipe tobacco.**

9 **Sec. 2. As used in this chapter, "tobacco business" means a sole**
10 **proprietorship, corporation, partnership, or other enterprise in**
11 **which:**

- 12 (1) **the primary activity is the sale of tobacco, tobacco**
13 **products, and tobacco accessories; and**
- 14 (2) **the sale of other products is incidental.**

15 **Sec. 3. The following smoking pipes and smoking devices may be**
16 **sold at retail only by a tobacco business:**

- 17 (1) **Metal, wooden, acrylic, glass, stone, plastic, or ceramic**



- 1 pipes with or without screens, permanent screens, or
- 2 punctured metal bowls.
- 3 (2) Water pipes.
- 4 (3) Carburetion tubes and devices.
- 5 (4) Smoking and carburetion masks.
- 6 (5) Chamber pipes.
- 7 (6) Carburetor pipes.
- 8 (7) Electric pipes.
- 9 (8) Air-driven pipes.
- 10 (9) Chillums.
- 11 (10) Bongs.
- 12 (11) Ice pipes or chillers.

13 **Sec. 4. A person who violates this chapter commits a Class A**
 14 **infraction.**

15 SECTION 2. IC 35-46-1-11.7, AS AMENDED BY P.L.94-2008,
 16 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2011]: Sec. 11.7. (a) A:

- 18 (1) retail establishment that has as its primary purpose the sale of
- 19 tobacco products; **or**
- 20 (2) **tobacco business;**
- 21 may not allow an individual who is less than eighteen (18) years of age
- 22 to enter the retail establishment **or tobacco business.**

23 (b) An individual who is less than eighteen (18) years of age may
 24 not enter:

- 25 (1) a retail establishment described in subsection ~~(a)~~; **(a)(1); or**
- 26 **(2) a tobacco business.**

27 (c) A retail establishment described in subsection ~~(a)~~ **(a)(1) or a**
 28 **tobacco business** must conspicuously post on all entrances to the retail
 29 establishment **or tobacco business** the following:

- 30 (1) A sign in boldface type that states "NOTICE: It is unlawful for
- 31 a person less than 18 years old to enter this store."
- 32 (2) A sign printed in letters and numbers at least one-half (1/2)
- 33 inch high that displays a toll free phone number for assistance to
- 34 callers in quitting smoking, as determined by the state department
- 35 of health.

36 (d) A person who violates this section commits a Class C infraction.
 37 Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction
 38 committed under this section must be imposed as follows:

- 39 (1) If the person has not been cited for a violation of this section
- 40 in the previous one hundred eighty (180) days, a civil penalty of
- 41 up to two hundred dollars (\$200).
- 42 (2) If the person has had one (1) violation in the previous one

C
o
p
y



1 hundred eighty (180) days, a civil penalty of up to four hundred
 2 dollars (\$400).
 3 (3) If the person has had two (2) violations in the previous one
 4 hundred eighty (180) days, a civil penalty of up to seven hundred
 5 dollars (\$700).
 6 (4) If the person has had three (3) or more violations in the
 7 previous one hundred eighty (180) days, a civil penalty of up to
 8 one thousand dollars (\$1,000).
 9 A person may not be cited more than once every twenty-four (24)
 10 hours.
 11 (e) Notwithstanding IC 34-28-5-5(c), civil penalties collected under
 12 this section must be deposited in the Richard D. Doyle youth tobacco
 13 education and enforcement fund established under IC 7.1-6-2-6.
 14 (f) A person who violates subsection (a) at least six (6) times in any
 15 one hundred eighty (180) day period commits habitual illegal entrance
 16 by a minor, a Class B infraction.

**C
o
p
y**

