

## **IC 7.1-3-18.5**

### **Chapter 18.5. Tobacco Sales Certificate**

#### **IC 7.1-3-18.5-1**

##### **Tobacco sales certificate required**

Sec. 1. (a) A person may not sell or otherwise distribute in exchange for consideration a tobacco product at retail without a valid tobacco sales certificate issued by the commission.

(b) A certificate may be issued only to a person who owns or operates at least one (1) of the following:

(1) A premises consisting of a permanent building or structure where the tobacco product is sold or distributed.

(2) A premises upon which a cigarette vending machine (as defined by IC 35-43-4-7) is located.

*As added by P.L.250-2003, SEC.11.*

#### **IC 7.1-3-18.5-2**

##### **Information required; fees; certificate for each location**

Sec. 2. (a) A person who desires a certificate must provide the following to the commission:

(1) The applicant's name and mailing address and the address of the premises for which the certificate is being issued.

(2) A fee of two hundred dollars (\$200).

(b) A separate certificate is required for each location where the tobacco products are sold or distributed.

(c) The fees collected under this section shall be deposited in the enforcement and administration fund under IC 7.1-4-10.

*As added by P.L.250-2003, SEC.11. Amended by P.L.224-2005, SEC.10.*

#### **IC 7.1-3-18.5-3**

##### **Contents of certificate; term of certificate; nontransferable**

Sec. 3. (a) A certificate issued by the commission under this chapter must contain the following information:

(1) The certificate number.

(2) The certificate holder's name.

(3) The permanent location of the business or vending machine for which the certificate is issued.

(4) The expiration date of the certificate.

(b) A certificate is:

(1) valid for three (3) years after the date of issuance, unless the commission suspends the certificate; and

(2) nontransferable.

*As added by P.L.250-2003, SEC.11. Amended by P.L.224-2005, SEC.11.*

#### **IC 7.1-3-18.5-4**

##### **Adoption of rules**

Sec. 4. The commission may adopt rules under IC 4-22-2 to establish procedures for the issuance, renewal, and reinstatement of

a certificate.

*As added by P.L.250-2003, SEC.11.*

### **IC 7.1-3-18.5-5**

#### **Certificate suspension; notice and hearing**

Sec. 5. (a) Subject to subsection (b), the commission may suspend the certificate of a person who fails to pay a civil penalty imposed for violating IC 35-46-1-10, IC 35-46-1-10.2, IC 35-46-1-11.5, or IC 35-46-1-11.7.

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

*As added by P.L.250-2003, SEC.11.*

### **IC 7.1-3-18.5-6**

#### **Reinstatement or renewal; failure to pay civil penalty; Class B infraction**

Sec. 6. (a) If a certificate has:

- (1) expired; or
- (2) been suspended;

the commission may not reinstate or renew the certificate until all civil penalties imposed against the certificate holder for violating IC 35-46-1-10, IC 35-46-1-10.2, IC 35-46-1-11.5, or IC 35-46-1-11.7 have been paid.

(b) The failure to pay a civil penalty described in subsection (a) is a Class B infraction.

(c) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the youth tobacco education and enforcement fund established under IC 7.1-6-2-6.

*As added by P.L.250-2003, SEC.11.*

### **IC 7.1-3-18.5-7**

#### **Tobacco sales without certificate; Class A infraction**

Sec. 7. (a) A person who is required to have a certificate under this chapter and who sells or distributes tobacco products without a valid certificate commits a Class A infraction. Each violation of this section constitutes a separate offense.

(b) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund established under IC 7.1-6-2-6.

*As added by P.L.250-2003, SECTION 11. Amended by P.L.252-2003, SEC.4.*