



March 25, 2011

**ENGROSSED
HOUSE BILL No. 1405**

DIGEST OF HB 1405 (Updated March 23, 2011 4:21 pm - DI 110)

Citations Affected: IC 35-46.

Synopsis: Tobacco matters. Defines "dissolvable tobacco product". Provides that a person or retail establishment that knowingly: (1) sells or distributes a dissolvable tobacco product to a person less than 18 years of age; or (2) purchases a dissolvable tobacco product for delivery to a person less than 18 years of age; commits a Class C infraction. Provides that a person who is less than 18 years of age who: (1) purchases a dissolvable tobacco product; (2) accepts a dissolvable tobacco product for personal use; or (3) possesses a dissolvable tobacco product, commits a class C infraction. Provides that a dissolvable tobacco product is considered a tobacco product for purposes of provisions relating to the regulation of tobacco vending machines. Provides that the owner of a retail establishment that sells or distributes tobacco products through a self-service display, commits a Class C infraction. (Current law provides that the owner of a retail establishment that sells or distributes cigarettes through a self-service display, commits a Class C infraction.)

Effective: July 1, 2011.

Cherry, Bacon, Brown C

(SENATE SPONSORS — ALTING, GARD, LANANE)

January 18, 2011, read first time and referred to Committee on Public Policy.
February 10, 2011, amended, reported — Do Pass.
February 14, 2011, read second time, amended, ordered engrossed.
February 15, 2011, engrossed. Read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 17, 2011, read first time and referred to Committee on Public Policy.
March 24, 2011, reported favorably — Do Pass.

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EH 1405—LS 6850/DI 116+



March 25, 2011

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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ENGROSSED HOUSE BILL No. 1405

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 35-46-1-1.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]: **Sec. 1.3. As used in this chapter, "dissolvable tobacco
4 product" means a smokeless tobacco product that dissolves in the
5 mouth of the user.**

6 SECTION 2. IC 35-46-1-1.7 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1.7. As used in this
8 chapter, "tobacco" includes:

- 9 (1) chewing tobacco;
10 (2) cigars, cigarettes, and snuff that contain tobacco; ~~and~~
11 (3) pipe tobacco; **and**
12 (4) **a dissolvable tobacco product.**

13 SECTION 3. IC 35-46-1-11.8, AS ADDED BY P.L.37-2007,
14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2011]: Sec. 11.8. (a) As used in this section, "self-service

EH 1405—LS 6850/DI 116+



1 display" means a display that contains ~~cigarettes~~ **tobacco** in an area
2 where a customer:
3 (1) is permitted; and
4 (2) has access to the ~~cigarettes~~ **tobacco** without assistance from
5 a sales person.
6 (b) This section does not apply to a self-service display located in
7 a retail establishment that:
8 (1) has a primary purpose to sell ~~cigarettes;~~ **tobacco;** and
9 (2) prohibits entry by persons who are less than eighteen (18)
10 years of age.
11 (c) The owner of a retail establishment that sells or distributes
12 ~~cigarettes~~ **tobacco** through a self-service display, other than a coin
13 operated machine operated under IC 35-46-1-11 or IC 35-46-1-11.5,
14 commits a Class C infraction.
15 (d) Notwithstanding IC 34-28-5-5(c), civil penalties collected under
16 this section must be deposited in the Richard D. Doyle youth tobacco
17 education and enforcement fund (IC 7.1-6-2-6).

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1405, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete pages 2 through 4.

Page 5, delete lines 1 through 23, begin a new paragraph and insert:

"SECTION 1. IC 35-46-1-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 1.3. As used in this chapter, "dissolvable tobacco product" means a smokeless tobacco product that dissolves in the mouth of the user."**

Page 5, line 29, after "tobacco;" insert "**and**".

Page 5, between lines 29 and 30, begin a new line block indented and insert:

"(4) a dissolvable tobacco product."

Page 5, delete lines 30 through 31, begin a new paragraph and insert:

"SECTION 3. IC 35-46-1-11.8, AS ADDED BY P.L.37-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11.8. (a) As used in this section, "self-service display" means a display that contains ~~cigarettes~~ **tobacco** in an area where a customer:

(1) is permitted; and

(2) has access to the ~~cigarettes~~ **tobacco** without assistance from a sales person.

(b) This section does not apply to a self-service display located in a retail establishment that:

(1) has a primary purpose to sell ~~cigarettes;~~ **tobacco;** and

(2) prohibits entry by persons who are less than eighteen (18) years of age.

(c) The owner of a retail establishment that sells or distributes ~~cigarettes~~ **tobacco** through a self-service display, other than a coin operated machine operated under IC 35-46-1-11 or IC 35-46-1-11.5, commits a Class C infraction.

(d) Notwithstanding IC 34-28-5-5(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco

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education and enforcement fund (IC 7.1-6-2-6)."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1405 as introduced.)

DAVIS, Chair

Committee Vote: yeas 9, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1405 be amended to read as follows:

Page 2, delete lines 18 through 26.

(Reference is to HB 1405 as printed February 11, 2011.)

CHERRY

COMMITTEE REPORT

Madam President: The Senate Committee on Public Policy, to which was referred House Bill No. 1405, 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 House Bill 1405 as printed February 15, 2011.)

ALTING, Chairperson

Committee Vote: Yeas 10, Nays 0.

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