

104TH CONGRESS
2D SESSION

H. R. 4245

To restrict the access of youth to tobacco products, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 1996

Mr. FOX of Pennsylvania introduced the following bill; which was referred to the Committee on Commerce

A BILL

To restrict the access of youth to tobacco products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tobacco Youth Access
5 Act”.

6 **SEC. 2. ACCESS.**

7 (a) VENDING MACHINES.—Vending machines may be
8 used to sell tobacco products only in an area or establish-
9 ment from which individuals under the minimum age pre-
10 scribed by subsection (b) are denied access.

1 (b) MINIMUM AGE.—No manufacturer, distributor,
2 or retailer of tobacco products may sell a tobacco product
3 to an individual who is less than 18 years old, except that
4 if a State has established a higher age, no manufacturer,
5 distributor, or retailer of tobacco products may sell to-
6 bacco products in that State to an individual who is less
7 than such higher age.

8 (c) PACKAGES OF CIGARETTES.—Only cigarettes in
9 a package of 20 cigarettes may be sold or distributed by
10 a manufacturer, distributor, or retailer of tobacco prod-
11 ucts .

12 (d) SAMPLING.—No manufacturer, distributor, or re-
13 tailer of tobacco products may offer or distribute tobacco
14 products for sampling except in an area or establishment
15 from which individuals under the minimum age prescribed
16 by subsection (c) are denied access.

17 **SEC. 3. SALES.**

18 (a) SIGNS.—Retailers of tobacco products shall
19 prominently place in the areas of their establishments
20 where tobacco products are sold signs which indicate the
21 minimum age for the purchase of tobacco products pre-
22 scribed by section 2(c) and the proof of age requirements
23 which shall include the presentation of a card identifying
24 the purchaser with a photograph.

1 (b) CERTIFICATION.—Retailers of tobacco products
2 and their employees shall sign an annual certification of
3 a knowledge of the minimum age requirement for the pur-
4 chase of tobacco products and of the intention to enforce
5 such age. Such certification shall be given to the office
6 of the State government with authority over the minimum
7 age requirement for the purchase of tobacco products.

8 (c) FACE-TO-FACE SALES.—The retailers of tobacco
9 products and their employees shall ensure that all sales
10 transactions involving tobacco products are conducted
11 face-to-face.

12 **SEC. 4. COUPONS AND COINS.**

13 No manufacturer, distributor, or retailer of tobacco
14 products may distribute tobacco products through the re-
15 demption of coupons or coins except in face-to-face trans-
16 actions where proof of age is required as established by
17 section 2(c).

18 **SEC. 5. BLOCK GRANTS UNDER SECTION 1926.**

19 If a State does not have in effect laws and regulations
20 which require that access to tobacco products, the sales
21 of tobacco products, and the use of coupons and coins in
22 the distribution of tobacco products will occur only as pre-
23 scribed by sections 2, 3, and 4, the Secretary of Health
24 and Human Services shall terminate any grant the State
25 may have received under section 1926 of the Public Health

1 Service Act and shall not make another grant under such
2 section to such State until it has in effect laws and regula-
3 tions which require compliance with sections 2, 3, and 4.

4 **SEC. 6. PREEMPTION.**

5 This Act shall not be construed as affecting the au-
6 thority of the Food and Drug Administration with respect
7 to tobacco products.

8 **SEC. 7. DEFINITION.**

9 For purposes of this Act, the term “tobacco product”
10 includes cigarettes, cigars, little cigars, pipe tobacco, and
11 smokeless tobacco.

12 **SEC. 9. EFFECTIVE DATE.**

13 This Act shall take effect upon the expiration of 180
14 days after the date of its enactment.

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