

106TH CONGRESS
1ST SESSION

H. R. 2914

To prohibit the sale of tobacco products through the Internet or other indirect means to individuals under the age of 18.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 1999

Mr. MEEHAN (for himself and Mr. HANSEN) introduced the following bill;
which was referred to the Committee on Commerce

A BILL

To prohibit the sale of tobacco products through the Internet or other indirect means to individuals under the age of 18.

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 Free Internet
5 for Kids Act”.

6 **SEC. 2. PROHIBITION.**

7 No person shall make a sale of tobacco products to
8 an individual under the age of 18 using the Internet or
9 the Postal Service or other carrier and no person shall

1 ship in interstate commerce tobacco products which have
2 been so sold.

3 **SEC. 3. INJUNCTIVE RELIEF IN FEDERAL DISTRICT COURT.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term “attorney general” means the at-
6 torney general or other chief law enforcement officer
7 of a State, or the designee thereof;

8 (2) the term “tobacco products” means ciga-
9 rettes, cigars, smokeless tobacco, and pipe tobacco.

10 (b) ACTION BY STATE ATTORNEY GENERAL.—If the
11 attorney general has reasonable cause to believe that a
12 person is engaged in, or has engaged in, any act involving
13 the sale or shipment of tobacco products that would con-
14 stitute a violation of section 2, the attorney general may
15 bring a civil action in accordance with this section for in-
16 junctive relief (including a preliminary or permanent in-
17 junction or other order) against the person, as the attor-
18 ney general determines to be necessary to restrain the per-
19 son from engaging, or continuing to engage, in the viola-
20 tion.

21 (c) FEDERAL JURISDICTION.—

22 (1) IN GENERAL.—The district courts of the
23 United States shall have jurisdiction over any action
24 brought under this section by an attorney general
25 against any person under subsection (b).

1 (2) VENUE.—An action under this section may
2 be brought only in accordance with section 1391 of
3 title 28, United States Code, or in the district in
4 which the recipient of the tobacco products resides
5 or is found.

6 (d) REQUIREMENTS FOR INJUNCTIONS AND OR-
7 DERS.—

8 (1) IN GENERAL.—In any action brought under
9 this subsection (b), upon a proper showing by the at-
10 torney general of the State, the court may issue a
11 preliminary or permanent injunction or other order
12 to restrain a violation of this section.

13 (2) NOTICE.—No preliminary injunction or per-
14 manent injunction or other order may be issued
15 under paragraph (1) without notice to the adverse
16 party and an opportunity for a hearing.

17 (3) FORM AND SCOPE OF ORDER.—Any prelimi-
18 nary or permanent injunction or other order entered
19 in an action brought under this section shall—

20 (A) set forth the reasons for the issuance
21 of the order;

22 (B) be specific in its terms;

23 (C) describe in reasonable detail, and not
24 by reference to the complaint or other docu-
25 ment, the act or acts sought to be restrained;

1 (D) be binding upon—

2 (i) the parties to the action and the
3 officers, agents, employees, and attorneys
4 of those parties; and

5 (ii) persons in active concert or par-
6 ticipation with the parties to the action
7 who receive actual notice of the order by
8 personal service or otherwise.

9 (e) ADDITIONAL REMEDIES.—

10 (1) IN GENERAL.—A remedy under this section
11 is in addition to any other remedies provided by law.

12 (2) STATE COURT PROCEEDINGS.—Nothing in
13 this section may be construed to prohibit an author-
14 ized State official from proceeding in State court on
15 the basis of an alleged violation of any State law.

16 **SEC. 4. CRIMINAL PENALTY.**

17 Whoever violates section 2 shall be fined not less than
18 \$100.

19 **SEC. 5. EFFECTIVE DATE; APPLICATION OF AMENDMENT.**

20 (a) EFFECTIVE DATE.—This Act shall take effect
21 with respect to the Internet sales of tobacco products oc-
22 ccurring after the date of the enactment of this Act.

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