

109TH CONGRESS
1ST SESSION

H. R. 3593

To prohibit the use of vending machines to sell tobacco products in all locations other than in locations in which the presence of minors is not permitted.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. ROTHMAN introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To prohibit the use of vending machines to sell tobacco products in all locations other than in locations in which the presence of minors is not permitted.

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 “Stop Kids From Smok-
5 ing Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) almost 90 percent of adult smokers began
9 at or before age 18;

1 (2) 35 percent of high school kids currently
2 smoke cigarettes;

3 (3) each year minors illegally purchase
4 256,000,000 packs of cigarettes;

5 (4) more than 5,000,000 kids alive today under
6 the age of 18 will die prematurely from tobacco-re-
7 lated disease unless current sales are reversed; and

8 (5) numerous studies and surveys show that
9 significant percentages of young people are able to
10 purchase cigarettes from vending machines, even in
11 jurisdictions that have laws restricting the placement
12 of the machines or requiring the use of locking de-
13 vices.

14 **SEC. 3. ACCESS.**

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

19 (b) MINIMUM AGE.—No manufacturer, distributor,
20 or retailer of tobacco products may sell a tobacco product
21 to an individual who is under the age of 18, except that
22 if a State or municipality has established a higher age,
23 no manufacturer, distributor, or retailer of tobacco prod-
24 ucts may sell tobacco products in that State or munici-
25 pality to an individual who is less than such higher age.

1 (c) PREEMPTION.—This Act shall not preempt any
2 State or municipal law which bans all vending machines
3 that sell tobacco products, nor will it preclude any State
4 or locality from enacting such a stronger ban in the future.

5 **SEC. 4. DEFINITION.**

6 For purposes of this Act, the term “tobacco product”
7 includes cigarettes, cigars, little cigars, pipe tobacco, and
8 smokeless tobacco.

9 **SEC. 5. PENALTY.**

10 Any person who violates this Act is liable to the
11 United States for a civil money penalty of \$1,000 for each
12 violation.

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