

In 1991, the Iowa Legislature passed the Adolescent Smoking Prevention Act, a law regulating the use of tobacco products by youth under age 18.

Vending machines have been restricted to “adults only” locations since July 1, 1997.

Since January 1, 1999, most self-service displays of tobacco products are prohibited.

The purpose of these laws is to reduce the availability of tobacco products to youth, helping them to avoid this potentially fatal addiction.



HOW ARE THESE LAWS ENFORCED?

County and municipal law enforcement agencies have the authority to enforce the Iowa laws that regulate the use of tobacco products by youth. Sale to a minor is a simple misdemeanor.

Iowa Code § 453A.3 & § 453A.37

MINORS WHO PURCHASE, ATTEMPT TO PURCHASE, OR POSSESS TOBACCO

Persons under 18 may not smoke, use, possess, purchase or attempt to purchase cigarettes or other tobacco products. Minors violating this law are subject to a civil penalty of \$50 and eight hours of community service for a first offense, \$100 and twelve hours of community service for a second offense, and \$250 and sixteen hours of community service for each subsequent offense.

Iowa Code § 453A.2(2) & § 453A.3

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SUPPLYING TOBACCO TO A MINOR

Minors sometimes obtain tobacco from older friends or relatives who buy tobacco for them. The person who buys it and supplies it breaks the same law that prohibits sales to minors and can be charged with contributing to the delinquency of a minor. A parent's permission does not make it legal for minors to use or possess tobacco products.

Iowa Code § 453A.2(1) & § 709A.1



GIVE-AWAYS

It is illegal to give away tobacco products.

Iowa Code § 142A.6(6)

RETAIL TOBACCO SALES

Persons are prohibited from “selling, giving, or otherwise supplying any cigarettes or other tobacco products to anyone under 18.” A violation by a person other than a retailer is a simple misdemeanor. Repeat violations by a retailer shall result in suspension and ultimately revocation of the seller's cigarette permit. In addition, the employee of the retailer may be fined \$100 for the first offense, \$250 for a second offense and \$500 for third or subsequent offenses.

Iowa Code § 453A.2(1) & § 453A.22

SELF-SERVICE RESTRICTIONS

Iowa law prohibits self-service retail displays of all tobacco products. The only tobacco products that do not have to be behind the counter or be otherwise inaccessible to customers are cigarette cartons and other such containers that include ten or more individual packages of a tobacco product. Violating this statute will result in fines, suspensions and revocations of retail cigarette permits.

Iowa Code § 453A.36A

USE OF ALTERED DRIVER'S LICENSE OR ID

A person under 18 who uses a fictitious or altered driver's license or nonoperator's permit to attempt to purchase cigarettes commits a simple misdemeanor punishable by a fine of \$100. In addition, the Department of Transportation may suspend driving privileges and impose a \$50 civil penalty.

Iowa Code § 321.210(1)(d), § 321.216C & 321.218A

SEIZURE OF DRIVER'S LICENSE OR ID

If a tobacco retailer has a reasonable belief that a driver's license or nonoperator's identification card offered by a person who wishes to purchase cigarettes or tobacco products is altered or falsified or belongs to another person, the retailer may retain the license or ID. Upon taking possession of the card, the retailer must provide a receipt for the card with the date and hour of seizure to the person from whom the card is seized. The retailer must file a written report and deliver the card to local law enforcement within 24 hours of the seizure. A retailer who complies with the legal

requirements for seizure is not subject to criminal prosecution or civil liability for damages resulting from the seizure, as long as unreasonable force is not used in obtaining the card.

Iowa Code § 453A.4

THESE LAWS ARE IMPORTANT!

- Tobacco use is the leading cause of preventable death in this country.
- Nicotine dependency through cigarette smoking is the most common form of drug addiction and causes more death and disease than all other addictions combined.
- If adolescents reach age 18 without becoming smokers, they probably will never start smoking.
- Almost 70% of Iowa students in grades 9 through 12 of regular high schools and almost 94% of Iowa students in grades 9 through 12 of alternative high schools report that they have tried smoking cigarettes.

Iowa Youth Risk Behavior Survey, 1999

For additional information contact:

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IT'S THE LAW!



A Summary of Iowa's Adolescent Smoking Prevention Law