



**Adopted in House Comm. on Mar 04, 2004**

09300HB4302ham001

LRB093 18119 RLC 47476 a

1 AMENDMENT TO HOUSE BILL 4302

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4302 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Display of Tobacco Products Act.

6 Section 5. Definitions. In this Act:

7 "Age restricted area" means an enclosed designated area in  
8 a retail establishment that is directly visible to the cashier,  
9 separated from the other areas of the establishment, with a  
10 single separate entrance through which no one under 18 years of  
11 age is allowed to enter.

12 "Tobacco product" means a cigar, loose tobacco, cigarette,  
13 packs of cigarettes, or smokeless tobacco, excluding cartons of  
14 cigarettes.

15 "Smokeless tobacco" means any tobacco product that is  
16 suitable for dipping or chewing.

17 Section 10. Tobacco product displays.

18 (a) It is unlawful to sell, offer for sale, give away, or  
19 display tobacco products for sale at any location unless the  
20 tobacco products are displayed from behind a sales or service  
21 counter or in an age restricted area of a retail establishment  
22 or in an enclosed display case so that a consumer cannot access  
23 tobacco products without the assistance of an employee of the

1 retail establishment authorized to sell tobacco products. At  
2 the entrance of the age restricted area shall be posted a  
3 legible sign at least 12 inches high by 12 inches wide stating:

4 "Age Restricted Area. No One Under the Age of 18  
5 Permitted to Enter."

6 (b) The restrictions described in subsection (a) do not  
7 apply to a retail tobacco store that (i) derives at least 90%  
8 of its revenue from tobacco and tobacco related products; (ii)  
9 does not permit persons under the age of 18 to enter the  
10 premises; and (iii) posts a sign on the main entrance way  
11 stating that persons under the age of 18 are prohibited from  
12 entering.

13 (c) A minor under 18 years of age may not sell any cigar,  
14 cigarette, smokeless tobacco, or tobacco in any of its forms at  
15 a retail establishment. This subsection (c) does not apply to a  
16 sales clerk in a family-owned business that can prove that the  
17 sales clerk is the son or daughter of the owner.

18 Section 15. Vending machines. This Act does not prohibit  
19 the sale of tobacco products from vending machines if the  
20 location of the vending machines are in compliance with the  
21 provisions of Section 1 of the Sale of Tobacco to Minors Act.

22 Section 20. Sentence. A violation of this Act is a petty  
23 offense for which the court shall impose a fine of not less  
24 than \$100 nor more than \$1,000."