

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend An act to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia to prohibit tobacco sales to individuals under 21 years of age and to include electronic smoking devices within the definition of tobacco product; to amend the Smoking Regulation Amendment Act of 1990 to prohibit the otherwise permissible distribution of free tobacco products to individuals under 21 years of age and to conform the definition of tobacco product to that used in other acts; and to amend section 47-2404 of the District of Columbia Official Code to prohibit the issuance of vending machine operator's licenses for the sale of tobacco products in an establishment that admits persons under 21 years of age.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prohibition Against Selling Tobacco Products to Individuals Under 21 Amendment Act of 2016".

Sec. 2. An act to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia, approved February 7, 1891 (26 Stat. 736; D.C. Official Code § 7-1721.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-1721.01) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

“(1) “Tobacco product” means any product that is made from or derived from tobacco and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including through a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, snus, smokeless tobacco, or an electronic smoking device, as that term is defined in section 4915(1) of the Department of Health Functions Clarification Act of 2001, effective April 4, 2006 (D.C. Law 16-90; D.C. Official Code § 7-741.01(1)). The term “tobacco product” also includes any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, or liquids used in electronic smoking devices. The term “tobacco product” does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, approved June 25, 1938 (52 Stat. 1040; 21 U.S.C. § 301 *et seq.*)”.

(2) Paragraph (2) is amended by striking the phrase “cigarettes or other tobacco product” wherever it appears and inserting the phrase “tobacco products” in its place.

(3) Paragraph (3) is amended as follows:

(B) Strike the phrase “a retail store that is used” and insert the phrase “a retail store that bars entry to individuals under 21 years of age and that is used” in its place.

(C) Strike the phrase “cigarettes, other tobacco product,” and insert the phrase “tobacco products” in its place.

(b) Section 3 (D.C. Official Code § 7-1721.02) is amended as follows:

(1) The section heading is amended by striking the phrase “minors under 18 years of age” and inserting the phrase “persons under 21 years of age” in its place.

(2) Subsection (a) is amended to read as follows:

“(a) No person shall sell, give, or furnish any tobacco product to, or purchase any tobacco product on behalf of, any person under 21 years of age.”.

(3) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended as follows:

(i) Strike the phrase “cigarette or other tobacco product” and insert the phrase “tobacco product” in its place.

(ii) Strike the number “27” and insert the number “30” in its place.

(B) Paragraph (2) is amended by striking the number “18” and inserting the number “21” in its place.

(4) Subsection (d) is amended by striking the phrase “license to sell cigarettes” and inserting the phrase “license to sell tobacco products” in its place.

(5) Subsection (e)(1) is amended to read as follows:

“(1) In any place or business where a person sells any tobacco product, the owner, manager, or person in charge of the place or business shall post a warning sign that includes the following: “No tobacco product will be sold to any person under 21 years of age. Sales clerks will ask for proof of age from any person seeking to purchase any tobacco product who appears to be under 30 years of age.”.

(c) Section 4 (D.C. Official Code § 7-1721.03) is amended as follows:

(1) The section heading is amended by striking the phrase “minors under 18” and inserting the phrase “persons under 21” in its place.

(2) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended as follows:

(i) Strike the number “18” and insert the number “21” in its place.

(ii) Strike the phrase “cigarette or other tobacco product” wherever it appears and insert the phrase “tobacco product” in its place.

(B) Paragraph (2) is amended as follows:

(i) Strike the number “18” and insert the number “21” in its place.

(ii) Strike the phrase “cigarettes or other tobacco product” and insert the phrase “tobacco products” in its place.

(3) Subsection (b) is amended as follows:

(A) Strike the number “18” and insert the number “21” in its place.

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(B) Strike the phrase “cigarettes or other tobacco product” and insert the phrase “tobacco products” in its place.

(4) Subsection (c) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase “shall be subject to a civil penalty of \$50” and inserting the phrase “may be subject to a civil penalty of \$25” in its place.

(B) Paragraph (2) is amended by striking the word “shall” and inserting the word “may” in its place.

(d) Section 5(a) (D.C. Official Code § 7-1721.04(a)) is amended by striking the phrase “cigarettes or other tobacco product” and inserting the phrase “tobacco products” in its place.

(e) Section 6(d) (D.C. Official Code § 7-1721.05(d)) is amended by striking the phrase “cigarettes or other tobacco product” and inserting the phrase “tobacco products” in its place.

(f) Section 7(a) (D.C. Official Code § 7-1721.06(a)) is amended by striking the phrase “cigarette or other tobacco product” and inserting the phrase “tobacco product” in its place.

Sec. 3. Section 5(a) of the Smoking Regulation Amendment Act of 1990, effective May 2, 1991 (D.C. Law 8-262; D.C. Official Code § 7-1731(a)), is amended as follows:

(a) The existing text is designated as paragraph (1).

(b) The newly designated paragraph (1) is amended as follows:

(1) Strike the phrase “any free cigarettes or other tobacco product” and insert the phrase “any free tobacco product” in its place.

(2) Strike the phrase “free cigarettes or other tobacco products” and insert the phrase “tobacco products” in its place.

(3) Strike the phrase “catering to adults” and insert the phrase “catering to adults; provided, that no tobacco product shall be distributed to persons under 21 years of age” in its place.

(c) A new paragraph (2) is added to read as follows:

“(2) For the purposes of this subsection, the term “tobacco product” shall have the same meaning as provided in section 2(1) of An act to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia, approved February 7, 1891 (26 Stat. 736; D.C. Official Code § 7-1721.01(1)).

Sec. 4. Section 47-2404(b)(3)(A) of the District of Columbia Official Code is amended by striking the number “18” and inserting the number “21” in its place.

Sec. 5. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

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(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia