

1 A BILL

2 20-152

3 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

4

5 To amend An Act to prohibit the sale of tobacco to minors under sixteen years of age in the
6 District of Columbia to prohibit tobacco sales to individuals under the age of 21; and to
7 amend Chapter 24 of Title 27 of the District of Columbia Official Code to prohibit the
8 issuance of vending machine operator’s licenses for the sale of tobacco products in an
9 establishment that admits persons under the age of 21.

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

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

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

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

18 “(1) “Tobacco product” means any product that is made from or derived from
19 tobacco, and is intended for human consumption or is likely to be consumed, whether smoked,
20 heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including a
21 cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, snus, or an electronic smoking device.

22 The term also includes any component or accessory used in the consumption of a tobacco
23 product, such as filters, rolling papers, pipes, or liquids used in electronic smoking devices. The

24 term does not include drugs, devices, or combination products authorized for sale by the U.S.
25 Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and
26 Cosmetic Act, approved June 25, 1938 (52 Stat. 1040; 21 U.S.C. § 301 *et seq.*)”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

56 (2) Subsection (a)(1) is amended as follows:

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

58 (B) Strike the phrase “cigarette or other tobacco product” each time it
59 appears and insert the phrase “tobacco product” in its place.

60 (3) Paragraph (2) is amended as follows:

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

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

64 (4) Subsection (b) is amended as follows:

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

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

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

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

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

74 Sec. 3. Section 5(a) of the Smoking Regulation Amendment Act of 1990, effective May
75 2, 1991 (D.C. Law 8-262; D.C. Official Code § 7-1731(a)), is amended as follows:

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

77 (b) Paragraph (1) is amended as follows:

78 (1) Strike the phrase “cigarettes or other tobacco product” each time it appears
79 and insert the phrase “tobacco product” in its place.

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

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

84 “(2) For the purposes of this section, the term “tobacco product” shall have the
85 same meaning as provided in section 2(1) of An Act to prohibit the sale of tobacco to minors
86 under sixteen years of age in the District of Columbia, approved February 7, 1891 (26 Stat. 736;

87 D.C. Official Code § 7-1721.01(1)).

88 Sec. 4. Chapter 24 of Title 47 of the District of Columbia Official Code is amended as
89 follows:

90 (a) Section 47-2401(5A) is amended by striking the phrase “any product containing,
91 made from, or derived from tobacco, other than a cigarette or premium cigar” and inserting the
92 phrase “any product, including an electronic cigarette, containing, made from, or derived from
93 tobacco, other than a premium cigar” in its place.

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

96 Sec. 5. Applicability.

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

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

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

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

106 Sec. 6. Fiscal impact statement.

107 The Council adopts the fiscal impact statement in the committee report as the fiscal

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108 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
109 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

110 Sec. 7. Effective date.

111 This act shall take effect following approval by the Mayor (or in the event of veto by the
112 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
113 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
114 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
115 Columbia Register.