

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

**Memorandum**

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To: Members of the Council  
From: *Cynthia Brock-Smith*  
Cynthia Brock-Smith, Secretary to the Council  
Date: August 3, 2009  
Subject: Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Friday, July 31, 2009. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Prohibition Against Selling Tobacco Products to Minors  
Amendment Act of 2009", B18-0428


INTRODUCED BY: Councilmembers Mendelson and Alexander

The Chairman is referring this legislation to the Committee on Public Safety and the Judiciary.

Attachment

cc: General Counsel  
Budget Director  
Legislative Services

  
Councilmember Phil Mendelson

  
Councilmember Yvette Alexander

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Phil Mendelson introduced the following bill, which was referred to the  
Committee on \_\_\_\_\_.

To amend An act to prohibit the sale of tobacco to minors under 16 years of age in the District of  
Columbia to establish a minimum pack size requirements for cigars, prohibit the purchase or  
possession by a minor, create an enhanced ID check provision, prohibit minor use of false ID,  
create an enhanced signage requirement; and create a model database provision; amend Title 47  
of the District of Columbia Code to create an enhanced licensing provision that covers all  
tobacco products and an enhanced vending machine restriction that applies to all tobacco  
products; and to amend The District of Columbia Smoking Restriction Act of 1979 to allow the  
owners of buildings to post “no smoking” signs within 25 feet of their property.

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 Minors Amendment  
Act of 2009".

Sec. 2. Prohibition Against Selling Tobacco Products to Minors

An act to prohibit the sale of tobacco to minors under 16 years of age in the District of  
Columbia approved February 7, 1891, (26 Stat. 736; D.C. Official Code § 22-1320) is amended  
to read as follows:

“ Sec. 2. Definitions.

For the purpose of this act, the term:

“(a) “Cigar” means any roll of tobacco wrapped in leaf tobacco or in any substance

containing tobacco, except that the term shall not include products treated as cigarettes. 1

(b) "Manufacturer" means "manufacturer of tobacco products" as the term is defined in 2  
section 5702(d) of the Internal Revenue Code of 1986, approved October 22, 1986 (68A Stat. 3  
707; 26 U.S.C. § 5702 (d)). 4

"(c) "Original package" means a sealed package into which cigarettes, cigars, or other 5  
tobacco products are put up by the manufacturer for sale to consumers; provided, however, that if 6  
any such package contains smaller size packages that are also intended by the manufacturer for 7  
sale to consumers, only the smallest size sealed package intended for sale to consumers will be 8  
considered the original package. 9

"(d) "Self-service display" means a display that contains a cigarette or other tobacco 10  
product and is located in an area openly accessible to consumers, and from which such 11  
consumers can readily access cigarettes or other tobacco products without the assistance of a 12  
responsible employee. A display case that holds cigarettes or other tobacco products behind 13  
locked doors does not constitute a self-service display. 14

"(e) "Smokeless tobacco" means any finely cut, ground, or powdered tobacco that is not 15  
intended to be smoked or any leaf tobacco that is not intended to be smoked. 16

"(f) "Tobacco specialty store" means a retail establishment that derives at least seventy- 17  
five percent of its revenue from cigarettes or other tobacco products. 18

"Sec. 3 Prohibitions 19

"(a) No person shall sell, give, or furnish any cigarette or other tobacco product to, or 20  
purchase any cigarette or other tobacco product on behalf of, any person under 18 years of age. 21

"(b)(1) Any person who sells any cigarette or other tobacco product who has reasonable 22

cause to believe that a person who attempts to purchase the product is under 27 years of age shall 1  
require that the purchaser present identification that indicates his or her age. 2

“(2) It shall be an affirmative defense to a violation of paragraph (1) of this 3  
subsection that, at the time of the relevant sale, the person who attempted to purchase the 4  
product, was 18 years of age or older, or presented identification to the seller that a reasonably 5  
prudent person would believe to be valid under the same or similar circumstances. 6

“(c) Any license to sell cigarettes or other tobacco products issued pursuant to D.C. 7  
Official Code 47-2404 may be suspended for a first or second violation of subsection (a) or (b) of 8  
this section. The license shall be revoked for a third or subsequent violation of subsection (a) or 9  
(b) of this section. 10

“(d)(1) In any place or business where a person sells any cigarette or other tobacco 11  
product, the owner, manager, or person in charge of the place or business shall post a warning 12  
sign that includes the following: ‘No person under 18 years of age shall purchase any cigarette or 13  
other tobacco product. Retailers will ask for proof of age from any person seeking to purchase 14  
any cigarette or other tobacco product who appears to be under 27 years of age. The United 15  
States Surgeon General has issued a warning that smoking causes lung cancer, heart disease, 16  
emphysema, and may complicate pregnancy.’ 17

“(2) A sign posted pursuant to paragraph (1) of this subsection shall clearly state 18  
the maximum fine for a violation of this section. The sign shall be visible to the public at the 19  
entrance to the area and on the interior of the area in sufficient number to give notice of the law 20  
to the public. 21

“(e) To ensure compliance with and enforcement of this section, the Mayor shall collect 22