

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

SENATE BILL 1087

5 By: Senator J. Dismang  
6 By: Representative McLean  
7

## For An Act To Be Entitled

9 AN ACT TO ESTABLISH THE ALTERNATIVE NICOTINE PRODUCTS  
10 DISTRIBUTION TO MINORS PROTECTION ACT; AND FOR OTHER  
11 PURPOSES.  
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13

## Subtitle

15 TO PROHIBIT THE DISTRIBUTION OF  
16 ALTERNATIVE NICOTINE PRODUCTS TO MINORS.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code Title 4, Chapter 16, Subchapter 1, is amended  
22 to add an additional section to read as follows:

23 4-16-101. Providing alternative nicotine products to minors prohibited  
24 - Procedures.

25 (a) As used in this section:

26 (1)(A) "Alternative nicotine product" means:

27 (i) An electronic cigarette; or

28 (ii) Any other product that consists of or contains  
29 nicotine that can be ingested into the body by chewing, smoking, absorbing,  
30 dissolving, inhaling, or by any other means.

31 (B) "Alternative nicotine product" does not include a:

32 (i) Cigarette as defined in § 20-27-2103 or other  
33 tobacco product as defined in § 20-27-705;

34 (ii) Product that is a drug under 21 U.S.C. §  
35 321(g)(1);

36 (iii) Product that is a device under 21 U.S.C. §



1 321(h); or

2 (iv) Combination product described in 21 U.S.C. §

3 353(g); and

4 (2)(A) "Electronic cigarette" means an electronic product or  
5 device that produces a vapor that delivers nicotine or another substance to  
6 the person inhaling from the device to simulate smoking, and that is likely  
7 to be offered to or purchased by consumers as an electronic cigarette,  
8 electronic cigar, electronic cigarillo, or electronic pipe.

9 (B) "Electronic cigarette" does not include a:

10 (i) Cigarette as defined in § 20-27-2103 or other  
11 tobacco product;

12 (ii) Product that is a drug under 21 U.S.C. §  
13 321(g)(1);

14 (iii) Product that is a device under 21 U.S.C. §  
15 321(h); or

16 (iv) Combination product described in 21 U.S.C. §  
17 353(g).

18 (b) A person shall not sell, offer for sale, give, or furnish any  
19 alternative nicotine product, or a cartridge or component of an alternative  
20 nicotine product, to an individual under eighteen (18) years of age either  
21 directly or indirectly by an agent or employee or by a vending machine owned  
22 by the person or located in the person's establishment.

23 (c) Before selling, offering for sale, giving, or furnishing an  
24 alternative nicotine product, or a cartridge or component of an alternative  
25 nicotine product, to an individual, the person shall verify that the  
26 individual is at least eighteen (18) years of age by:

27 (1) Examining from an individual that appears to be under  
28 twenty-seven (27) years of age a government-issued photographic  
29 identification card that establishes the individual is at least eighteen (18)  
30 years of age; or

31 (2) For sales made through the Internet or another remote sales  
32 method, performing an age verification through an independent, third-party  
33 age verification service that compares information available from public  
34 records to the personal information entered by the individual during the  
35 ordering process that establishes that the individual is eighteen (18) years  
36 of age or older.

**APPROVED: 04/12/2013**