

**ARKANSAS SENATE**  
90th General Assembly - Regular Session, 2015  
**Amendment Form**

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**Subtitle of Senate Bill No. 447**

TO AMEND THE DEFINITIONS OF SMOKING AND TOBACCO TO TREAT E-CIGARETTES SIMILARLY  
TO OTHER TOBACCO PRODUCTS.

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**Amendment No. 1 to Senate Bill No. 447**

Amend Senate Bill No. 447 as originally introduced:

Page 1, line 28, delete "oral" and substitute "or digital"

AND

Page 1, line 29, delete "that,"

AND

Page 1, line 30, delete "simulates smoking,"

AND

Page 1, line 32, delete "AND" and substitute "or"

AND

Page 1, line 36, delete "; and" and substitute ";"

AND

Page 2, delete line 3 and substitute the following:

"descriptor; and

(iv) Does not include drugs, devices, or combination  
products approved for sale by the United States Food and Drug Administration;  
or"

AND

Page 2, line 14, delete "oral" and substitute "or digital"

AND



Page 2, line 15, delete "that,"

AND

Page 2, line 15, delete "simulates"

AND

Page 2, line 16, delete "smoking,"

AND

Page 2, line 18, delete "and" and substitute "or"

AND

Page 2, line 22, delete "; and" and substitute ";"

AND

Page 2, delete line 25 and substitute the following:  
"descriptor; and

(iv) Does not include drugs, devices, or combination products approved for sale by the United States Food and Drug Administration; and"

AND

Page 3, line 5, delete "oral" and substitute "or digital"

AND

Page 3, line 6, delete "that,"

AND

Page 3, line 6, delete "simulates"

AND

Page 3, line 7, delete "smoking,"

AND

Page 3, line 9, delete "and" and substitute "or"

AND

Page 3, line 13, delete "; and" and substitute ";"

AND

Page 3, delete line 16 and substitute the following:  
"descriptor; and

(iv) Does not include drugs, devices, or combination products approved for sale by the United States Food and Drug Administration.

SECTION 4. Arkansas Code § 4-16-101(a)(2)(A), concerning the definition of "e-cigarette", is amended to read as follows:

(2)(A) "Electronic cigarette" means an electronic ~~product or device that produces a vapor that delivers nicotine or another substance to the person inhaling from the device to simulate smoking, and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe~~ or digital device that provides a vapor of nicotine or another substance when used or inhaled, including without limitation a device that:

(i) Is composed of a heating element, battery, electronic circuit, or a combination of heating element, battery, or electronic circuit;

(ii) Works in combination with a liquid nicotine delivery device composed either, in whole or in part, of pure nicotine and manufactured for use with e-cigarettes;

(iii) Is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor; and

(iv) Does not include drugs, devices, or combination products approved for sale by the United States Food and Drug Administration.

SECTION 5. Arkansas Code § 5-27-233(a)(1), concerning the definition of "e-cigarette", is amended to read as follows:

(1) "E-cigarette" means an electronic ~~oral~~ oral or digital device that provides a vapor of nicotine or another substance ~~that,~~ when used or inhaled, ~~simulates smoking,~~ including without limitation a device that:

(A) Is composed of a heating element, battery, electronic circuit, or a combination of heating element, battery, or electronic circuit;

(B) Works in combination with a liquid nicotine delivery device composed either, in whole or in part, of pure nicotine and manufactured for use with e-cigarettes; ~~and~~

(C) Is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor; and

(D) Does not include drugs, devices, or combination products approved for sale by the United States Food and Drug Administration; and

SECTION 6. Arkansas Code § 6-21-609(a), concerning the definition of "e-cigarette", is amended to read as follows:

(a) As used in this section, "e-cigarette" means an electronic ~~oral~~ oral or digital device that provides a vapor of nicotine or another substance ~~that,~~ when used or inhaled ~~simulates smoking,~~ including without limitation a device that:

(1) Is composed of a heating element, battery, or electronic circuit, or a combination of heating element, battery, ~~and~~ or electronic circuit;

(2) Works in combination with a liquid nicotine delivery device composed either in whole or in part of pure nicotine ~~and propylene glycol~~ and manufactured for use with e-cigarettes; ~~and~~

(3) Is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other name or descriptor; and

(4) Does not include drugs, devices, or combination products approved for sale by the United States Food and Drug Administration.

SECTION 7. Arkansas Code § 6-60-803(6), concerning the definition of smoking within The Clean Air on Campus Act of 2009, is amended to read as follows:

(6) "Smoking" means inhaling, exhaling, burning, or carrying any:

(A) Lighted tobacco product, including cigarettes, cigars, and pipe tobacco; ~~and~~

(B) Other lighted combustible plant material; and

(C) E-cigarette or electronic or digital device that provides a vapor of nicotine or another substance when used or inhaled, including without limitation a device that:

(i) Is composed of a heating element, battery, electronic circuit, or a combination of heating element, battery, or electronic circuit;

(ii) Works in combination with a liquid nicotine delivery device composed either, in whole or in part, of pure nicotine and manufactured for use with e-cigarettes;

(iii) Is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor; and

(iv) Does not include drugs, devices, or combination products approved for sale by the United States Food and Drug Administration; and"

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Teague

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Secretary