

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

A Bill

SENATE BILL 1087

4
5 By: Senator J. Dismang
6 By: Representative McLean

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.

Subtitle

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14 TO PROHIBIT THE DISTRIBUTION OF
15 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.