

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

As Engrossed: H3/17/15

A Bill

HOUSE BILL 1690

4
5 By: Representatives Leding, G. Hodges

For An Act To Be Entitled

8 AN ACT TO AMEND THE DEFINITION OF E-CIGARETTE; AND
9 FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE DEFINITION OF E-CIGARETTE.

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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

17
18 *SECTION 1. DO NOT CODIFY. Legislative purpose.*

19 *(a) The purpose of this act is to distinguish between the closed*
20 *system vaporizers and the open system atomizer.*

21 *(b) An open system atomizer means a device that:*

22 *(1) Holds e-liquid with the intent of using a metal attached to*
23 *a positive and negative electrical circuit to vaporize e-liquid that may*
24 *contain nicotine to be inhaled;*

25 *(2) May include without limitation a rebuildable atomizer, tank*
26 *atomizer, catomizers, and clearomizers;*

27 *(3) Is manufactured with the intent of being refillable with an*
28 *e-liquid by the owner or consumer; and*

29 *(4) Includes a person vaporizer, or an electronic or digital*
30 *device that when used in conjunction with an open system atomizer provides a*
31 *vapor that may include nicotine for the purpose of inhalation.*

32 *(c) An open system atomizer is separate and distinct from a closed*
33 *system vaporizer.*

34 *(d) It is the intent of this act to explicitly prohibit only a closed*
35 *system vaporizer.*



1 SECTION 2. Arkansas Code § 5-27-233(a)(1), concerning the providing
2 minors with e-cigarettes and e-cigarette products prohibited, is amended to
3 read as follows:

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

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

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

12 (C) Uses:

13 (i) A closed system cartridge that is prefilled with
14 e-liquid and is not manufactured with the intent of the closed system
15 cartridge being refilled by the consumer; or

16 (ii) A proprietary threading system that is not
17 intended to be interchangeable with another threading system; or

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

21
22 SECTION 3. Arkansas Code § 6-21-609(a), concerning the prohibition
23 against smoking, the use of tobacco or tobacco products, or the use of e-
24 cigarettes, is amended to read as follows:

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

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

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

35 (3) Uses:

36 (A) A closed system cartridge that is prefilled with e-

1 liquid and is not manufactured with the intent of the closed system cartridge
2 being refilled by the consumer; or

3 (B) A proprietary threading system that is not intended to
4 be interchangeable with another threading system; or

5 (4) Is manufactured, distributed, marketed, or sold as an e-
6 cigarette, e-cigar, e-pipe, or under any other name or descriptor.

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8 /s/Leding

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