

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S3/3/15

A Bill

SENATE BILL 447

5 By: Senator Teague
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE DEFINITIONS OF SMOKING AND
9 TOBACCO TO TREAT E-CIGARETTES SIMILARLY TO OTHER
10 TOBACCO PRODUCTS; AND FOR OTHER PURPOSES.
11

Subtitle

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14 TO AMEND THE DEFINITIONS OF SMOKING AND
15 TOBACCO TO TREAT E-CIGARETTES SIMILARLY
16 TO OTHER TOBACCO PRODUCTS.
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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 § 20-27-705(3), concerning public smoking in
22 medical facilities, is amended to read as follows:

23 (3) "Tobacco" means ~~eigars, cigarettes, pipes, or other tobacco-~~
24 ~~smoking devices;~~

25 (A) A cigar;

26 (B) A cigarette;

27 (C) A pipe;

28 (D) An e-cigarette or electronic or digital device that
29 provides a vapor of nicotine or another substance when used or inhaled,
30 including without limitation a device that:

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

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



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

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

7 (E) Other tobacco-smoking device.

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9 SECTION 2. Arkansas Code § 20-27-1803(16), concerning the definition
10 of smoking within the Arkansas Clean Indoor Air Act of 2006, is amended to
11 read as follows:

12 (16) "Smoking" means inhaling, exhaling, burning, or carrying
13 any:

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

16 (B) Other lighted combustible plant material; and

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

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

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

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

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

32
33 SECTION 3. Arkansas Code § 20-27-1902, concerning the Arkansas
34 Protection from Secondhand Smoke for Children Act of 2006, is amended to read
35 as follows:

36 20-27-1902. ~~Definition~~ Definitions.

1 As used in this subchapter,:

2 (1) “~~motor~~ Motor vehicle” means any motor vehicle, except a
 3 school bus, a church bus, or other public conveyance, that is required by
 4 federal or state law or regulation to be equipped with a passenger restraint
 5 system; and

6 (2) “Smoking” means inhaling, exhaling, burning, or carrying
 7 any:

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

10 (B) Other lighted combustible plant material; and

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

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

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

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

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

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

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

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

1 electronic circuit;

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

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

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

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

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

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

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

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

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

27
28 SECTION 6. Arkansas Code § 6-21-609(a), concerning the definition of
29 "e-cigarette", is amended to read as follows:

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

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

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

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

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

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

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

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

16 (B) Other lighted combustible plant material; and

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

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

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

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

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

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33 /s/Teague
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