

REFERENCE TITLE: **electronic smoking devices; billboards**

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1583

Introduced by
Senator Quezada

AN ACT

AMENDING TITLE 44, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 27; RELATING TO ELECTRONIC SMOKING DEVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, chapter 9, Arizona Revised Statutes, is
3 amended by adding article 27, to read:

4 ARTICLE 27. ADVERTISING TOBACCO PRODUCTS

5 44-1383. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "ELECTRONIC SMOKING DEVICE":

8 (a) MEANS A DEVICE THAT MAY BE USED TO DELIVER ANY AEROSOLIZED OR
9 VAPORIZED SUBSTANCE TO THE PERSON WHO INHALES FROM THE DEVICE, INCLUDING
10 AN E-CIGARETTE, E-CIGAR, E-PIPE, VAPE PEN OR E-HOOKAH.

11 (b) INCLUDES:

12 (i) ANY COMPONENT, PART OR ACCESSORY OF THE DEVICE.

13 (ii) ANY SUBSTANCE THAT IS INTENDED TO BE AEROSOLIZED OR VAPORIZED
14 DURING THE USE OF THE DEVICE, WHETHER OR NOT THE SUBSTANCE CONTAINS
15 NICOTINE.

16 (c) DOES NOT INCLUDE DRUGS, DEVICES OR COMBINATION PRODUCTS
17 AUTHORIZED FOR SALE BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION, AS
18 THOSE TERMS ARE DEFINED IN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT OR THE
19 REGULATIONS ADOPTED PURSUANT TO THAT ACT.

20 2. "SCHOOL" MEANS A PUBLIC OR PRIVATE ELEMENTARY SCHOOL, MIDDLE
21 SCHOOL, JUNIOR HIGH SCHOOL OR HIGH SCHOOL.

22 3. "TOBACCO PRODUCTS":

23 (a) MEANS ANY OF THE FOLLOWING:

24 (i) A PRODUCT CONTAINING, MADE OF OR DERIVED FROM TOBACCO OR
25 NICOTINE THAT IS INTENDED FOR HUMAN CONSUMPTION OR IS LIKELY TO BE
26 CONSUMED, WHETHER INHALED, ABSORBED OR INGESTED BY ANY OTHER MEANS,
27 INCLUDING A CIGARETTE, A CIGAR, PIPE TOBACCO, SHISHA, BEEDIES, BIDIS,
28 CHEWING TOBACCO, SNUFF OR SNU.

29 (ii) ANY ELECTRONIC SMOKING DEVICE AND ANY SUBSTANCE THAT MAY BE
30 AEROSOLIZED OR VAPORIZED BY THE DEVICE, WHETHER OR NOT THE SUBSTANCE
31 CONTAINS NICOTINE.

32 (iii) ANY COMPONENT, PART OR ACCESSORY OF ANY PRODUCT, ELECTRONIC
33 SMOKING DEVICE OR SUBSTANCE THAT IS LISTED IN ITEM (i) OR (ii) OF THIS
34 SUBDIVISION, WHETHER OR NOT ANY OF THESE CONTAIN TOBACCO OR NICOTINE,
35 INCLUDING FILTERS, ROLLING PAPERS, BLUNT OR HEMP WRAPS AND PIPES.

36 (b) DOES NOT INCLUDE DRUGS, DEVICES OR COMBINATION PRODUCTS
37 AUTHORIZED FOR SALE BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION, AS
38 THOSE TERMS ARE DEFINED IN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT OR THE
39 REGULATIONS ADOPTED PURSUANT TO THAT ACT.

40 44-1383.01. Tobacco product advertising; prohibition near
41 schools and playgrounds; local standards

42 A. A PERSON MAY NOT ADVERTISE OR CAUSE TO BE ADVERTISED A TOBACCO
43 PRODUCT, INCLUDING AN ELECTRONIC SMOKING DEVICE, ON AN OUTDOOR BILLBOARD
44 THAT IS LOCATED WITHIN ONE THOUSAND FEET OF A SCHOOL OR PUBLIC PLAYGROUND.

1 B. THIS SECTION SETS FORTH MINIMUM STATE RESTRICTIONS ON THE
2 ADVERTISEMENT OF TOBACCO PRODUCTS, INCLUDING ELECTRONIC SMOKING DEVICES,
3 ON OUTDOOR BILLBOARDS NEAR SCHOOLS AND PUBLIC PLAYGROUNDS AND DOES NOT
4 PREEMPT OR OTHERWISE PROHIBIT THE ADOPTION OF A LOCAL STANDARD THAT
5 IMPOSES A MORE RESTRICTIVE OR COMPLETE BAN ON BILLBOARD ADVERTISING OR ON
6 BILLBOARD ADVERTISING RELATING TO TOBACCO PRODUCTS, INCLUDING ELECTRONIC
7 SMOKING DEVICES. A LOCAL STANDARD THAT IMPOSES A MORE RESTRICTIVE OR
8 COMPLETE BAN ON BILLBOARD ADVERTISING OR ON BILLBOARD ADVERTISING RELATING
9 TO TOBACCO PRODUCTS, INCLUDING ELECTRONIC SMOKING DEVICES, CONTROLS IF
10 THERE IS AN INCONSISTENCY BETWEEN THIS SECTION AND THE LOCAL STANDARD.

11 C. THIS SECTION DOES NOT DO EITHER OF THE FOLLOWING:

12 1. PROHIBIT THE DISPLAY WITHIN ONE THOUSAND FEET OF A SCHOOL OR
13 PUBLIC PLAYGROUND OF A MESSAGE OR ADVERTISEMENT OPPOSING THE USE OF
14 TOBACCO PRODUCTS.

15 2. ALLOW AN ADVERTISEMENT WITHIN ONE THOUSAND FEET OF A SCHOOL OR
16 PUBLIC PLAYGROUND THAT PROMOTES THE USE OF TOBACCO PRODUCTS EVEN IF THE
17 ADVERTISEMENT INCLUDES A MESSAGE OPPOSING THE USE OF TOBACCO PRODUCTS
18 WITHIN THE ADVERTISEMENT.