

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1225

(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 13-3622, Arizona Revised Statutes, is amended to
3 read:

4 13-3622. Underage persons; tobacco products, alternative
5 nicotine products, vapor products, tobacco products
6 and paraphernalia; prohibitions; classification;
7 definitions

8 A. A person who ~~knowingly~~ sells, gives or furnishes a tobacco
9 product, **AN ALTERNATIVE NICOTINE PRODUCT**, a vapor product or any instrument
10 or paraphernalia that is solely designed for ~~the~~ smoking or ~~ingestion of~~
11 **INGESTING** tobacco **PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, VAPOR PRODUCTS**
12 or shisha, including a hookah or waterpipe, to a ~~minor~~ **PERSON WHO IS UNDER**
13 **TWENTY-ONE YEARS OF AGE** is guilty of a petty offense **AND, NOTWITHSTANDING**
14 **SECTION 13-802, SHALL PAY A FINE OF \$1,000 FOR A FIRST OFFENSE AND A FINE**
15 **OF AT LEAST \$1,000 AND NOT MORE THAN \$2,500 FOR ANY SUBSEQUENT OFFENSE.**

16 B. A ~~minor~~ **PERSON UNDER TWENTY-ONE YEARS OF AGE** who buys, or has in
17 ~~his~~ **THE PERSON'S** possession or knowingly accepts or receives from any
18 person, a tobacco product, **AN ALTERNATIVE NICOTINE PRODUCT**, a vapor product
19 or any instrument or paraphernalia that is solely designed for ~~the~~ smoking
20 or ~~ingestion of~~ **INGESTING** tobacco **PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS,**
21 **VAPOR PRODUCTS** or shisha, including a hookah or waterpipe, is guilty of a
22 petty offense, and if the offense involves any instrument or paraphernalia
23 that is solely designed for ~~the~~ smoking or ~~ingestion of~~ **INGESTING** tobacco

1 PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, VAPOR PRODUCTS or shisha, shall
2 pay a fine of ~~not less than one hundred dollars~~ AT LEAST \$100 or perform
3 ~~not less than~~ AT LEAST thirty hours of community restitution.

4 C. A ~~minor~~ PERSON UNDER TWENTY-ONE YEARS OF AGE who misrepresents
5 the ~~minor's~~ PERSON'S age to ~~any~~ ANOTHER person by means of a written
6 instrument of identification with the intent to induce the person to sell,
7 give or furnish a tobacco product, AN ALTERNATIVE NICOTINE PRODUCT, a vapor
8 product or any instrument or paraphernalia that is solely designed for ~~the~~
9 smoking or ~~ingestion of~~ INGESTING tobacco PRODUCTS, ALTERNATIVE NICOTINE
10 PRODUCTS, VAPOR PRODUCTS or shisha, including a hookah or waterpipe, in
11 violation of subsection A or B of this section is guilty of a petty offense
12 and, notwithstanding section 13-802, shall pay a fine of not more than ~~five~~
13 ~~hundred dollars~~ \$500.

14 D. This section does not apply to any of the following:

15 1. Cigars, cigarettes or cigarette papers, smoking or chewing
16 tobacco or any instrument or paraphernalia that is solely designed for ~~the~~
17 smoking or ~~ingestion of~~ INGESTING tobacco or shisha, including a hookah or
18 waterpipe, if it is used or intended to be used in connection with a bona
19 fide practice of a religious belief and as an integral part of a religious
20 or ceremonial exercise.

21 2. Any instrument or paraphernalia that is solely designed for ~~the~~
22 smoking or ~~ingestion of~~ INGESTING tobacco PRODUCTS, ALTERNATIVE NICOTINE
23 PRODUCTS, VAPOR PRODUCTS or shisha, including a hookah or waterpipe, that
24 is given to or possessed by a ~~minor~~ PERSON UNDER TWENTY-ONE YEARS OF AGE if
25 the instrument or paraphernalia was a gift or souvenir and is not used or
26 intended to be used by the ~~minor~~ PERSON UNDER TWENTY-ONE YEARS OF AGE to
27 smoke or ingest tobacco or shisha.

28 E. For the purposes of this section:

29 1. "ALTERNATIVE NICOTINE PRODUCT":

30 (a) MEANS ANY NONCOMBUSTIBLE PRODUCT THAT CONTAINS NICOTINE FROM ANY
31 SOURCE AND THAT IS INTENDED FOR HUMAN CONSUMPTION, WHETHER CHEWED,
32 ABSORBED, DISSOLVED, INGESTED OR CONSUMED BY ANY OTHER MEANS.

1 (b) DOES NOT INCLUDE ANY TOBACCO PRODUCT, VAPOR PRODUCT OR SHISHA OR
2 ANY PRODUCT REGULATED AS A DRUG OR DEVICE BY THE UNITED STATES FOOD AND
3 DRUG ADMINISTRATION UNDER CHAPTER V OF THE FEDERAL FOOD, DRUG, AND COSMETIC
4 ACT.

5 ~~1.~~ 2. "Shisha" includes any mixture of tobacco leaf and honey,
6 molasses or dried fruit or any other sweetener.

7 ~~2.~~ 3. "Tobacco product" means any of the following:

- 8 (a) Cigars.
9 (b) Cigarettes.
10 (c) Cigarette papers of any kind.
11 (d) Smoking tobacco of any kind.
12 (e) Chewing tobacco of any kind.

13 ~~3.~~ 4. "Vapor product":

14 (a) Means a noncombustible ~~tobacco-derived~~ product containing
15 nicotine that employs a mechanical heating element, battery or circuit,
16 regardless of shape or size, that can be used to heat a liquid nicotine
17 solution contained in cartridges. ~~Vapor product~~

18 (b) Does not include any product that is regulated by the United
19 States food and drug administration under chapter V of the federal food,
20 drug, and cosmetic act.

21 Sec. 2. Heading change

22 The article heading of title 36, chapter 6, article 14, Arizona
23 Revised Statutes, is changed from "TOBACCO SALES" to "SALES OF TOBACCO
24 PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS AND VAPER PRODUCTS".

25 Sec. 3. Section 36-798, Arizona Revised Statutes, is amended to
26 read:

27 36-798. Definitions

28 In this article, unless the context otherwise requires:

29 1. "ALTERNATIVE NICOTINE PRODUCT" HAS THE SAME MEANING PRESCRIBED IN
30 SECTION 13-3622.

1 ~~1.~~ 2. "Bar" means that portion of any premises licensed under
2 section 4-209, subsection B, paragraph 6, 7, 11, 12 or 14 that is primarily
3 used for ~~the~~ selling, ~~consumption~~ CONSUMING or serving ~~of~~ alcoholic
4 beverages and that is not primarily used for ~~the consumption of~~ CONSUMING
5 food on the premises.

6 ~~2.~~ 3. "Beedies" or "bidis" means a product containing tobacco that
7 is wrapped in temburni leaf (diospyros melanoxylon) or tendu leaf
8 (diospyros exculpra), ~~or any other product that is offered to,~~ or
9 purchased by, ~~consumers as beedies or bidis.~~

10 ~~3.~~ 4. "Cigar" means a roll of tobacco or any lawful substitute for
11 tobacco that is wrapped in tobacco.

12 ~~4.~~ 5. "Cigarette" means a roll of tobacco or any lawful substitute
13 for tobacco that is wrapped in paper or in any substance other than
14 tobacco.

15 ~~5. "Minor" means a person who is under eighteen years of age.~~

16 6. "Retail tobacco vendor" means a person ~~who~~ OR ENTITY THAT
17 possesses ~~tobacco or~~ tobacco products, ALTERNATIVE NICOTINE PRODUCTS, VAPOR
18 PRODUCTS OR SHISHA for the purpose of selling them TO THE CONSUMER for
19 consumption and not for resale.

20 7. "Smokeless tobacco" includes shredded tobacco, snuff, cavendish
21 and plug, twist and other tobacco products that are intended for oral use
22 but not for smoking.

23 8. "Smoking tobacco" includes any tobacco or tobacco product, other
24 than cigarettes and cigars, that is intended to be smoked.

25 9. "Tobacco products" includes cigarettes, cigarette papers, cigars,
26 smokeless tobacco and smoking tobacco.

27 10. "VAPOR PRODUCT" HAS THE SAME MEANING PRESCRIBED IN SECTION
28 13-3622.

29 ~~10.~~ 11. "Vending machine" means any mechanical, electrical or
30 electronic device that, on insertion of money, tokens or any other form of
31 payment, automatically dispenses tobacco products.

1 Sec. 4. Section 36-798.01, Arizona Revised Statutes, is amended to
2 read:

3 36-798.01. Selling or giving beedies or bidis; underage
4 persons; violation; classification

5 A. It is unlawful for a retail tobacco vendor to sell, furnish, give
6 or provide beedies or bidis to a ~~minor~~ PERSON WHO IS UNDER TWENTY-ONE YEARS
7 OF AGE in this state.

8 B. Any person who violates this section is guilty of a class 3
9 misdemeanor AND, NOTWITHSTANDING SECTION 13-802, SHALL PAY A FINE OF \$1,000
10 FOR A FIRST OFFENSE AND A FINE OF AT LEAST \$1,000 AND NOT MORE THAN \$2,500
11 FOR A SUBSEQUENT OFFENSE.

12 Sec. 5. Section 36-798.02, Arizona Revised Statutes, is amended to
13 read:

14 36-798.02. Tobacco products, alternative nicotine products and
15 vapor products; direct access prohibited; vending
16 machine sales; signage; violation; classification

17 A. A ~~person~~ RETAIL TOBACCO VENDOR IN THIS STATE shall not sell
18 tobacco products, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS BY ANY
19 MEANS OTHER THAN RETAIL TOBACCO VENDOR-ASSISTED SALES IN WHICH THE CUSTOMER
20 HAS NO DIRECT ACCESS TO A PRODUCT EXCEPT THROUGH THE ASSISTANCE OF THE
21 RETAIL TOBACCO VENDOR. A PERSON MAY SELL A TOBACCO PRODUCT, ALTERNATIVE
22 NICOTINE PRODUCT OR VAPOR PRODUCT through a vending machine ~~unless the~~
23 ~~vending machine~~ THAT is located in either:

- 24 1. A bar.
25 2. An employee lounge area that is not open to the public and the
26 business in which the lounge area is located does not employ ~~minors~~ PERSONS
27 UNDER TWENTY-ONE YEARS OF AGE.

28 B. A sign measuring at least eighty square inches shall be obviously
29 affixed to the front of each vending machine. The sign shall state in
30 block letters, ~~;~~ THAT it is illegal for a ~~minor~~ PERSON UNDER TWENTY-ONE
31 YEARS OF AGE to purchase cigarettes, ~~or~~ tobacco products, ALTERNATIVE

1 NICOTINE PRODUCTS OR VAPOR PRODUCTS and, ~~upon~~ ON conviction, a fine of up
2 to ~~three hundred dollars~~ \$300 may be imposed.

3 C. This article does not invalidate an ordinance of or prohibit the
4 adoption of an ordinance by a county, city or town to further restrict the
5 location of vending machines or specify different wording for the vending
6 ~~machines~~ MACHINE signs as required by subsection B of this section.

7 D. A person who violates this section is guilty of a petty offense
8 AND, NOTWITHSTANDING SECTION 13-802, SHALL PAY A FINE OF \$1,000 FOR A FIRST
9 OFFENSE AND A FINE OF AT LEAST \$1,000 AND NOT MORE THAN \$2,500 FOR A
10 SUBSEQUENT OFFENSE.

11 Sec. 6. Section 36-798.03, Arizona Revised Statutes, is amended to
12 read:

13 36-798.03. Tobacco products, alternative nicotine products and
14 vapor products; prohibition; schools and
15 school-related areas; violation; classification

16 A. THE USE AND POSSESSION OF tobacco products, ALTERNATIVE NICOTINE
17 PRODUCTS AND VAPOR PRODUCTS are prohibited on school grounds, inside school
18 buildings, in school parking lots or playing fields, in school buses or
19 vehicles or at off-campus school sponsored events. For purposes of this
20 subsection, "school" means any public, charter or private school where
21 children attend classes in kindergarten programs or grades one through
22 twelve.

23 ~~B. Subsection A of this section does not apply to an adult who~~
24 ~~employs tobacco products as a necessary component of a school sanctioned~~
25 ~~tobacco prevention or cessation program established pursuant to section~~
26 ~~15-712.~~

27 ~~C.~~ B. A person who violates this section is guilty of a petty
28 offense AND, NOTWITHSTANDING SECTION 13-802, SHALL PAY A FINE OF \$500.

1 Sec. 7. Section 36-798.05, Arizona Revised Statutes, is amended to
2 read:

3 36-798.05. Unsolicited delivery of tobacco products,
4 alternative nicotine products and vapor products;
5 violation; classification; civil penalties;
6 definitions

7 A. It is unlawful for a person to deliver or cause to be delivered
8 to any residence in this state any tobacco products, **ALTERNATIVE NICOTINE**
9 **PRODUCTS OR VAPOR PRODUCTS THAT ARE** unsolicited by at least one ~~adult~~
10 **PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND** who resides at that
11 address.

12 B. A person who knowingly violates subsection A of this section is
13 guilty of a class 2 misdemeanor.

14 C. A person who violates subsection A of this section is subject to
15 a civil penalty in an amount of not ~~to exceed five thousand dollars~~ **MORE**
16 **THAN \$5,000** for each violation. Each delivery of a tobacco product, ~~shall~~
17 ~~constitute~~ **ALTERNATIVE NICOTINE PRODUCT OR VAPOR PRODUCT CONSTITUTES** a
18 separate violation.

19 D. The attorney general may bring an action to recover civil
20 penalties and, as determined by the court, taxable costs, such other fees
21 and expenses reasonably incurred and reasonable attorney fees, in the name
22 of the state for a violation of this section. All civil penalties
23 recovered shall be deposited, pursuant to sections 35-146 and 35-147, in
24 the state general fund and all other monies recovered shall be deposited,
25 pursuant to sections 35-146 and 35-147, in the antitrust enforcement
26 revolving fund established by section 41-191.02.

27 E. ~~in~~ **FOR THE PURPOSES OF** this section, ~~unless the context otherwise~~
28 ~~requires:~~

29 1. "Knowingly" has the same meaning prescribed in section 13-105.

30 2. "Person" means an individual, partnership, firm, association,
31 corporation, limited liability company, limited liability partnership,

1 joint venture, or other entity, other than an individual or entity engaged
2 in the delivery of items for hire.

3 Sec. 8. Title 36, chapter 6, article 14, Arizona Revised Statutes,
4 is amended by adding sections 36-798.07 and 36-798.08, to read:

5 36-798.07. Retail sales; requirements

6 A. A RETAIL TOBACCO VENDOR MAY NOT SELL, OFFER TO SELL, FURNISH OR
7 GIVE TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS
8 UNLESS THE RETAIL TOBACCO VENDOR PROMINENTLY DISPLAYS A SIGN THAT READS AS
9 FOLLOWS: "IT IS ILLEGAL FOR A PERSON UNDER 21 YEARS OF AGE TO PURCHASE
10 CIGARETTES, TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR
11 PRODUCTS AND, ON CONVICTION, A FINE OF UP TO \$300 MAY BE IMPOSED."

12 B. IF A PERSON REASONABLY APPEARS TO BE UNDER THIRTY YEARS OF AGE, A
13 RETAIL TOBACCO VENDOR MAY NOT SELL, OFFER TO SELL, FURNISH OR GIVE TOBACCO
14 PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS TO THE PERSON
15 WITHOUT FIRST EXAMINING THE PERSON'S GOVERNMENT-ISSUED PHOTOGRAPHIC
16 IDENTIFICATION TO ESTABLISH THAT THE PERSON IS AT LEAST TWENTY-ONE YEARS OF
17 AGE.

18 C. A RETAIL TOBACCO VENDOR MAY NOT SELL, OFFER TO SELL, FURNISH OR
19 GIVE TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS
20 EXCEPT IN THE MANUFACTURER'S ORIGINAL PACKAGING AND MAY NOT OPEN PACKAGING
21 AND SELL A PORTION OF THE TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS
22 OR VAPOR PRODUCTS CONTAINED IN SUCH PACKAGING.

23 D. A PERSON WHO VIOLATES SUBSECTION B OR C OF THIS SECTION IS GUILTY
24 OF A PETTY OFFENSE AND, NOTWITHSTANDING SECTION 13-802, SHALL PAY A FINE OF
25 \$500 FOR A FIRST OFFENSE AND A FINE OF AT LEAST \$1,000 AND NOT MORE THAN
26 \$2,500 FOR A SUBSEQUENT OFFENSE.

27 36-798.08. Tobacco products, alternative nicotine products and
28 vapor products; state preemption

29 A. THE SALE AND MARKETING OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE
30 PRODUCTS AND VAPOR PRODUCTS ARE OF STATEWIDE CONCERN. THE REGULATION OF THE
31 SALE AND MARKETING OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS AND
32 VAPOR PRODUCTS PURSUANT TO THIS ARTICLE IS NOT SUBJECT TO FURTHER

1 REGULATION BY A COUNTY, CITY, TOWN OR OTHER POLITICAL SUBDIVISION OF THIS
2 STATE AND PREEMPTS ALL INCONSISTENT LAWS, RULES, REGULATIONS, CODES,
3 ORDINANCES, POLICIES AND OTHER LAWS ADOPTED BY A COUNTY, CITY, TOWN OR
4 OTHER POLITICAL SUBDIVISION OF THIS STATE.

5 B. THIS SECTION DOES NOT LIMIT A POLITICAL SUBDIVISION'S AUTHORITY
6 UNDER SECTION 36-601.01.

7 Sec. 9. Section 42-3001, Arizona Revised Statutes, is amended to
8 read:

9 42-3001. Definitions

10 In this chapter, unless the context otherwise requires:

11 1. "Affix" and "affixed" include imprinting tax meter stamps on
12 packages and individual containers as authorized by the department.

13 2. "ALTERNATIVE NICOTINE PRODUCT" HAS THE SAME MEANING PRESCRIBED IN
14 SECTION 36-798.

15 ~~2.~~ 3. "Brand family" has the same meaning prescribed in section
16 44-7111.

17 ~~3.~~ 4. "Cavendish" means a tobacco product that is smoked from a
18 pipe and that meets one of the following criteria:

19 (a) Is described as cavendish, as containing cavendish or as a
20 cavendish blend on its packaging, labeling or promotional materials.

21 (b) Appears to have been processed or manufactured with an amount of
22 flavorings and humectants that exceeds twenty percent of the weight of the
23 tobacco contained in the product.

24 (c) Appears to be blended with or contain a tobacco product
25 described in subdivision (b) of this paragraph.

26 ~~4.~~ 5. "Cider" means vinous liquor that is made from the normal
27 alcoholic fermentation of the juice of sound, ripe apples, pears or other
28 pome fruit, including flavored, sparkling and carbonated cider and cider
29 made from condensed apple, pear or other pome fruit must, and that contains
30 more than one-half of one percent of alcohol by volume but not more than
31 seven percent of alcohol by volume.

1 ~~5.~~ 6. "Cigar" means any roll of tobacco wrapped in leaf tobacco or
2 in any substance containing tobacco other than any roll of tobacco that is
3 a cigarette, as defined in paragraph 6, subdivision (b) of this section.

4 ~~6.~~ 7. "Cigarette" means either of the following:

5 (a) Any roll of tobacco wrapped in paper or any substance not
6 containing tobacco.

7 (b) Any roll of tobacco wrapped in any substance containing tobacco
8 that, because of its appearance, the type of tobacco used in the filler or
9 its packaging and labeling, is likely to be offered to or purchased by a
10 consumer as a cigarette described in subdivision (a) of this paragraph.
11 This subdivision shall be interpreted consistently with the classification
12 guidelines established by the federal alcohol and tobacco tax and trade
13 bureau.

14 ~~7.~~ 8. "Consumer" means a person in this state that comes into
15 possession of any luxury subject to the tax imposed by this chapter and
16 that, on coming into possession of the luxury, is not a distributor
17 intending to sell or distribute the luxury, a retailer or a wholesaler.

18 ~~8.~~ 9. "Craft distiller" means a distiller in the United States or
19 in a territory or possession of the United States that holds a license
20 pursuant to section 4-205.10.

21 ~~9.~~ 10. "Distributor" means any person that manufactures, produces,
22 ships, transports or imports into this state or in any manner acquires or
23 possesses for the purpose of making the first sale of the following:

24 (a) Cigarettes without Arizona tax stamps affixed as required by
25 this article.

26 (b) Roll-your-own tobacco or other tobacco products on which the
27 taxes have not been paid as required by this chapter.

28 ~~10.~~ 11. "Farm winery" has the same meaning prescribed in section
29 4-101.

30 ~~11.~~ 12. "First sale" means the initial sale or distribution in
31 intrastate commerce or the initial use or consumption of cigarettes,
32 roll-your-own tobacco or other tobacco products.

1 ~~12.~~ 13. "Luxury" means any article, object or device on which a tax
2 is imposed under this chapter.

3 ~~13.~~ 14. "Malt liquor" means any liquid that contains more than
4 one-half of one percent alcohol by volume and that is made by the process
5 of fermentation and not distillation of hops or grains, but not including:

6 (a) Liquids made by the process of distillation of such substances.

7 (b) Medicines that are unsuitable for beverage purposes.

8 ~~14.~~ 15. "Master settlement agreement" has the same meaning
9 prescribed in section 44-7101.

10 ~~15.~~ 16. "Microbrewery" has the same meaning prescribed in section
11 4-101.

12 ~~16.~~ 17. "Nonparticipating manufacturer" has the same meaning
13 prescribed in section 44-7111.

14 ~~17.~~ 18. "Other tobacco products" means tobacco products other than
15 cigarettes and roll-your-own tobacco.

16 ~~18.~~ 19. "Participating manufacturer" has the same meaning
17 prescribed in section 44-7111.

18 ~~19.~~ 20. "Person" means any individual, firm, partnership, joint
19 venture, association, corporation, municipal corporation, estate, trust,
20 club, society or other group or combination acting as a unit, and the
21 plural as well as the singular number.

22 ~~20.~~ 21. "Place of business" means a building, facility site or
23 location where an order is received or where tobacco products are sold,
24 distributed or transferred. Place of business does not include a vehicle.

25 ~~21.~~ 22. "Retailer" means any person that comes into possession of
26 any luxury subject to the taxes imposed by this chapter for the purpose of
27 selling it for consumption and not for resale.

28 ~~22.~~ 23. "Roll-your-own tobacco" means any tobacco that, because of
29 its appearance, type, packaging or labeling, is suitable for use and likely
30 to be offered to or purchased by consumers as tobacco for making
31 cigarettes. This paragraph shall be interpreted consistently with the term
32 as used in section 44-7101. This paragraph shall be interpreted

1 consistently with the classification guidelines established by the federal
2 alcohol and tobacco tax and trade bureau.

3 ~~23.~~ 24. "Smoking tobacco" means any tobacco that, because of its
4 appearance, type, packaging, labeling or promotion, is suitable for use and
5 likely to be offered to or purchased by consumers as tobacco for making
6 cigarettes or otherwise consumed by burning. Smoking tobacco includes pipe
7 tobacco and roll-your-own tobacco.

8 ~~24.~~ 25. "Spirituous liquor" means any liquid that contains more
9 than one-half of one percent alcohol by volume, that is produced by
10 distillation of any fermented substance and that is used or prepared for
11 use as a beverage. Spirituous liquor does not include medicines that are
12 unsuitable for beverage purposes.

13 ~~25.~~ 26. "Tobacco product manufacturer" has the same meaning
14 prescribed in section 44-7101.

15 ~~26.~~ 27. "Tobacco products" means all luxuries included in section
16 42-3052, paragraphs 5 through 9.

17 28. "VAPOR PRODUCT" HAS THE SAME MEANING PRESCRIBED IN SECTION
18 36-798.

19 ~~27.~~ 29. "Vehicle" means a device in, on or by which a person or
20 property is or may be transported or drawn on the roads of this state
21 regardless of the means by which it is propelled or whether it runs on a
22 track.

23 ~~28.~~ 30. "Vinous liquor" means any liquid that contains more than
24 one-half of one percent alcohol by volume and that is made by the process
25 of fermentation of grapes, berries, fruits, vegetables or other substances
26 but does not include:

27 (a) Liquids in which hops or grains are used in the process of
28 fermentation.

29 (b) Liquids made by the process of distillation of hops or grains.

30 (c) Medicines that are unsuitable for beverage purposes.

1 INSPECTIONS, UNDERCOVER INVESTIGATIONS OF RETAILERS AND ACTIVITIES TO
2 IDENTIFY AND INTERCEPT CONTRABAND OR ILLICIT TOBACCO PRODUCTS, ALTERNATIVE
3 NICOTINE PRODUCTS AND VAPOR PRODUCTS.

4 G. THE DEPARTMENT SHALL ADOPT RULES PURSUANT TO TITLE 41, CHAPTER 6
5 TO CARRY OUT THIS SECTION.

6 Sec. 11. Severability

7 If a provision of this act or its application to any person or
8 circumstance is held invalid, this invalidity does not affect other
9 provisions of applications of the act that can be given effect without the
10 invalid provision or application, and to this end the provisions of this
11 act are severable.

12 Sec. 12. Effective date

13 This act is effective from and after December 31, 2023."

14 Amend title to conform

DAVID LIVINGSTON

1225LIVINGSTON.docx
03/30/2023
1:30 PM
C: MH