

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 1087

By: Senator J. Dismang
By: Representative McLean

For An Act To Be Entitled

AN ACT TO ESTABLISH THE ALTERNATIVE NICOTINE PRODUCTS
DISTRIBUTION TO MINORS PROTECTION ACT; AND FOR OTHER
PURPOSES.

Subtitle

TO PROHIBIT THE DISTRIBUTION OF
ALTERNATIVE NICOTINE PRODUCTS TO MINORS.

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

SECTION 1. Arkansas Code Title 4, Chapter 16, Subchapter 1, is amended to add an additional section to read as follows:

4-16-101. Providing alternative nicotine products to minors prohibited – Procedures.

(a) As used in this section:

(1)(A) "Alternative nicotine product" means:

(i) An electronic cigarette; or

(ii) Any other product that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any other means.

(B) "Alternative nicotine product" does not include a:

(i) Cigarette as defined in § 20-27-2103 or other tobacco product as defined in § 20-27-705;

(ii) Product that is a drug under 21 U.S.C. § 321(g)(1);

(iii) Product that is a device under 21 U.S.C. §



321(h); or

(iv) Combination product described in 21 U.S.C. §

353(g); and

(2)(A) "Electronic cigarette" means an electronic product or device that produces a vapor that delivers nicotine or another substance to the person inhaling from the device to simulate smoking, and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.

(B) "Electronic cigarette" does not include a:

(i) Cigarette as defined in § 20-27-2103 or other tobacco product;

(ii) Product that is a drug under 21 U.S.C. §

321(g)(1);

(iii) Product that is a device under 21 U.S.C. §

321(h); or

(iv) Combination product described in 21 U.S.C. §

353(g).

(b) A person shall not sell, offer for sale, give, or furnish any alternative nicotine product, or a cartridge or component of an alternative nicotine product, to an individual under eighteen (18) years of age either directly or indirectly by an agent or employee or by a vending machine owned by the person or located in the person's establishment.

(c) Before selling, offering for sale, giving, or furnishing an alternative nicotine product, or a cartridge or component of an alternative nicotine product, to an individual, the person shall verify that the individual is at least eighteen (18) years of age by:

(1) Examining from an individual that appears to be under twenty-seven (27) years of age a government-issued photographic identification card that establishes the individual is at least eighteen (18) years of age; or

(2) For sales made through the Internet or another remote sales method, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the individual during the ordering process that establishes that the individual is eighteen (18) years of age or older.