

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/17/15

A Bill

HOUSE BILL 1690

By: Representatives Leding, G. Hodges

For An Act To Be Entitled

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

Subtitle

TO AMEND THE DEFINITION OF E-CIGARETTE.

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

SECTION 1. DO NOT CODIFY. Legislative purpose.

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

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

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

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

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

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

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

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



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

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

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

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

(C) Uses:

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

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

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

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

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

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

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

(3) Uses:

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

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

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

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

/s/Leding