

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: S3/3/15
A Bill

SENATE BILL 447

By: Senator Teague

For An Act To Be Entitled

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

Subtitle

TO AMEND THE DEFINITIONS OF SMOKING AND TOBACCO TO TREAT E-CIGARETTES SIMILARLY TO OTHER TOBACCO PRODUCTS.

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

SECTION 1. Arkansas Code § 20-27-705(3), concerning public smoking in medical facilities, is amended to read as follows:

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

(A) A cigar;

(B) A cigarette;

(C) A pipe;

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

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

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



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

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

(E) Other tobacco-smoking device.

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

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

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

(B) Other lighted combustible plant material; and

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

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

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

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

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

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

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

As used in this subchapter:

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

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

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

(B) Other lighted combustible plant material; and

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

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

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

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

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

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

(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~~ or digital device that provides a vapor of nicotine or another substance when used or inhaled, including without limitation a device that:

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

electronic circuit;

(ii) 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;

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

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

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

(1) "E-cigarette" means an electronic ~~oral~~ 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) Is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor; and

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

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

(a) As used in this section, "e-cigarette" means an electronic ~~oral~~ 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~~ or 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) Is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other name or descriptor; and

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

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

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

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

(B) Other lighted combustible plant material; and

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

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

(ii) 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;

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

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

/s/Teague