

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 449

By: Senator Dees

By: Representative Beaty Jr.

For An Act To Be Entitled

AN ACT TO PROVIDE CIVIL IMMUNITY FOR CONFISCATION OF ALTERNATIVE NICOTINE PRODUCTS, VAPOR PRODUCTS, E-LIQUID PRODUCTS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS FROM A MINOR AT A SCHOOL; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE CIVIL IMMUNITY FOR CONFISCATION OF ALTERNATIVE NICOTINE PRODUCTS, VAPOR PRODUCTS, E-LIQUID PRODUCTS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS FROM A MINOR AT A SCHOOL.

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

SECTION 1. Arkansas Code Title 16, Chapter 120, Subchapter 8, is amended to add an additional section to read as follows:

16-120-805. Civil immunity for confiscation of certain products from minor at school.

(a) As used in this section:

(1)(A) "Alternative nicotine product" means a product that consists of or contains nicotine from any source that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means.

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

(i) Tobacco product;



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- (ii) Vapor product;
- (iii) Product that is a drug under 21 U.S.C. § 321(g)(1), as existing on January 1, 2025;
- (iv) Product that is a device under 21 U.S.C. § 321(h), as existing on January 1, 2025; or
- (v) Product that constitutes a combination drug, device, or biological product as described in 21 U.S.C. § 353, as existing on January 1, 2025;

(2) "E-liquid product" means a liquid product, which may or may not contain nicotine, that is inhaled when using a vapor product and that may or may not include without limitation propylene glycol, vegetable glycerin, nicotine from any source, and flavorings;

(3) "Minor" means a person who is under twenty-one (21) years of age;

(4) "School" means:

(A) A school district, public school, private school, or an open-enrollment public charter school;

(B) Any building, parking lot, playing field, playground, school bus, or other school vehicle used or operated by a public school, private school, or an open-enrollment public charter school; or

(C) Any off-campus school-sponsored or school-sanctioned events with respect to any public school, open-enrollment public charter school, or private school where children attend classes in kindergarten through grade twelve (K-12);

(5) "Tobacco product" means all products containing tobacco for consumption, including without limitation cigarettes, cigars, little cigars, cigarillos, chewing tobacco, smokeless tobacco, snuff, smoking tobacco, including pipe tobacco, and smoking tobacco substitutes; and

(6) "Vapor product" means an electronic oral device of any size or shape that contains a vapor of nicotine, e-liquid, or any other substance that when used or inhaled simulates smoking, regardless of whether a visible vapor is produced, including without limitation a device that:

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

(B) Works in combination with a cartridge, other

container, or liquid delivery device containing nicotine, e-liquid, or any other substance and manufactured for use with vapor products;

(C) Is manufactured, distributed, marketed, or sold as any type or derivation of a vapor product, e-cigarette, e-cigar, e-pipe, or any other product name or descriptor; and

(D) Does not include a product regulated as a drug or device by the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq., as it existed on January 1, 2025.

(b) A law enforcement officer, an employee of a school, or a person otherwise in a position of trust or authority over the minor shall be immune from civil liability if he or she confiscated nicotine, tobacco product, vapor product, alternative nicotine product, e-liquid product, or cigarette papers or confiscated a product that he or she reasonably believes to be a vapor product, from a minor at a school.

(c) The immunity granted under subsection (b) of this section does not apply to the confiscation of any sort of medical device or medication such as an asthma medication delivery device.