3/18 5:16p

Chapter No. 355
13/HR12/R1654
JAB / CST

HOUSE BILL NO. 613

Originated in House _____ Clerk

HOUSE BILL NO. 613

AN ACT TO PROHIBIT THE DISTRIBUTION OF ALTERNATIVE NICOTINE PRODUCTS TO MINORS; TO DEFINE CERTAIN TERMS; TO PROVIDE PENALTIES FOR VIOLATIONS; TO REQUIRE AGE VERIFICATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) For the purposes of this section:

(a) (i) "Alternative nicotine product" means:

1. An electronic cigarette; or

2. 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.

(ii) Alternative nicotine product does not include:

1. A cigarette or other tobacco product as defined in Section 97-32-3;

2. A product that is a drug under 21 USCS 321(g)(1);

3. A product that is a device under 21 USCS 321(h); or

4. A combination product described in 21 USCS 353(g).

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

(ii) Electronic cigarette does not include:

1. A cigarette or other tobacco products as defined in Section 97-32-3;

2. A product that is a drug under 21 USCS 321(g)(1);

3. A product that is a device under 21 USCS 321(h); or

4. A combination product described in 21 USCS 353(g).

(2) No person, 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, shall sell, offer for sale, give or furnish any alternative nicotine product, or any cartridge or component of an alternative nicotine product, to an individual

under eighteen (18) years of age. A violation of this subsection is punishable as follows:

(a) By a fine of Fifty Dollars ($50.00) for a first offense;

(b) By a fine of Seventy-Five Dollars ($75.00) for a second offense; and

(c) By a fine of One Hundred Dollars ($100.00) for a third or subsequent offense.

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

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

(b) For sales made through the Internet or other remote sales methods, 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 the individual is eighteen (18) years of age or older.

SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

PASSED BY THE HOUSE OF REPRESENTATIVES
January 29, 2013

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 7, 2013

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

3/18/13
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