

REFERENCE TITLE: vapor products; marketing; labeling; minors

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HB 2648

Introduced by
Representative Saldate

AN ACT

AMENDING SECTION 13-3622, ARIZONA REVISED STATUTES; RELATING TO VAPOR PRODUCTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3622, Arizona Revised Statutes, is amended to
3 read:

4 13-3622. Tobacco products, vapor products or tobacco or shisha
5 instruments or paraphernalia; furnishing to minor;
6 minor accepting, receiving or illegally obtaining;
7 marketing, advertising, manufacturing or selling
8 vapor products; classification; definitions

9 A. A person who knowingly sells, gives or furnishes a tobacco product,
10 a vapor product or any instrument or paraphernalia that is solely designed
11 for the smoking or ingestion of tobacco or shisha, including a hookah or
12 waterpipe, to a minor is guilty of a petty offense.

13 B. A minor who buys, or has in his possession or knowingly accepts or
14 receives from any person, a tobacco product, a vapor product or any
15 instrument or paraphernalia that is solely designed for the smoking or
16 ingestion of tobacco or shisha, including a hookah or waterpipe, is guilty of
17 a petty offense, and if the offense involves any instrument or paraphernalia
18 that is solely designed for the smoking or ingestion of tobacco or shisha,
19 shall pay a fine of not less than one hundred dollars or perform not less
20 than thirty hours of community restitution.

21 C. A minor who misrepresents the minor's age to any person by means
22 of a written instrument of identification with the intent to induce the
23 person to sell, give or furnish a tobacco product, a vapor product or any
24 instrument or paraphernalia that is solely designed for the smoking or
25 ingestion of tobacco or shisha, including a hookah or waterpipe, in violation
26 of subsection A or B of this section is guilty of a petty offense and,
27 notwithstanding section 13-802, shall pay a fine of not more than five
28 hundred dollars.

29 D. A PERSON WHO MARKETS OR ADVERTISES A VAPOR PRODUCT IN A MANNER THAT
30 SPECIFICALLY APPEALS TO MINORS IS GUILTY OF A PETTY OFFENSE.

31 E. A PERSON WHO MANUFACTURES OR SELLS A VAPOR PRODUCT THAT DOES NOT
32 HAVE A WARNING LABEL DESCRIBING THE HEALTH DANGERS POSED TO MINORS WHO USE A
33 VAPOR PRODUCT OR THAT HAS A LABEL OR PACKAGING WITH GRAPHICS OR TEXT THAT
34 ATTEMPTS TO CONFUSE THE VAPOR PRODUCT WITH A TOY OR CANDY IS GUILTY OF A
35 PETTY OFFENSE.

36 ~~D.~~ F. This section does not apply to any of the following:

37 1. Cigars, cigarettes or cigarette papers, smoking or chewing tobacco
38 or any instrument or paraphernalia that is solely designed for the smoking or
39 ingestion of tobacco or shisha, including a hookah or waterpipe, if it is
40 used or intended to be used in connection with a bona fide practice of a
41 religious belief and as an integral part of a religious or ceremonial
42 exercise.

43 2. Any instrument or paraphernalia that is solely designed for the
44 smoking or ingestion of tobacco or shisha, including a hookah or waterpipe,
45 that is given to or possessed by a minor if the instrument or paraphernalia

1 was a gift or souvenir and is not used or intended to be used by the minor to
2 smoke or ingest tobacco or shisha.

3 ~~E.~~ G. For the purposes of this section:

4 1. "Shisha" includes any mixture of tobacco leaf and honey, molasses
5 or dried fruit or any other sweetener.

6 2. "Tobacco product" means any of the following:

7 (a) Cigars.

8 (b) Cigarettes.

9 (c) Cigarette papers of any kind.

10 (d) Smoking tobacco of any kind.

11 (e) Chewing tobacco of any kind.

12 3. "Vapor product" means a noncombustible tobacco derived product
13 containing nicotine that employs a mechanical heating element, battery or
14 circuit, regardless of shape or size, that can be used to heat a liquid
15 nicotine solution contained in cartridges. Vapor product does not include
16 any product that is regulated by the United States food and drug
17 administration under chapter V of the federal food, drug and cosmetic act.