

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1147  
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:

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

4 13-3622. Furnishing, illegally accepting or receiving or  
5 obtaining tobacco products, e-liquids, alternative  
6 nicotine products, vapor products or tobacco or  
7 shisha instruments or paraphernalia; underage  
8 persons; military personnel; classification;  
9 exceptions; definitions

10 A. A person who knowingly sells, gives or furnishes a tobacco  
11 product, **AN E-LIQUID**, a vapor product, **AN ALTERNATIVE NICOTINE PRODUCT** or  
12 any instrument or paraphernalia that is solely designed for the smoking or  
13 ingestion of tobacco, **E-LIQUIDS, ALTERNATIVE NICOTINE PRODUCTS** or shisha,  
14 including a hookah or waterpipe, to a ~~minor~~ **PERSON WHO IS UNDER TWENTY-ONE**  
15 **YEARS OF AGE** is guilty of a petty offense.

16 B. A ~~minor~~ **PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND** who buys,  
17 or has in ~~his~~ **THE PERSON'S** possession or knowingly accepts or receives from  
18 any **OTHER** person, a tobacco product, **AN E-LIQUID, AN ALTERNATIVE NICOTINE**  
19 **PRODUCT**, a vapor product or any instrument or paraphernalia that is solely  
20 designed for the smoking or ingestion of tobacco, **E-LIQUIDS, ALTERNATIVE**  
21 **NICOTINE PRODUCTS** or shisha, including a hookah or waterpipe, is guilty of  
22 a petty offense, and if the offense involves any instrument or  
23 paraphernalia that is solely designed for the smoking or ingestion of  
24 tobacco, **E-LIQUIDS, ALTERNATIVE NICOTINE PRODUCTS** or shisha, shall pay a

1 fine of not less than ~~one hundred dollars~~ \$100 or perform not less than  
2 thirty hours of community restitution.

3 C. A ~~minor~~ PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND who  
4 misrepresents the ~~minor's~~ PERSON'S age OR MILITARY STATUS to any OTHER  
5 person by means of a written instrument of identification with the intent  
6 to induce the OTHER person to sell, give or furnish a tobacco product, AN  
7 E-LIQUID, AN ALTERNATIVE NICOTINE PRODUCT, a vapor product or any  
8 instrument or paraphernalia that is solely designed for the smoking or  
9 ingestion of tobacco, E-LIQUIDS, ALTERNATIVE NICOTINE PRODUCTS or shisha,  
10 including a hookah or waterpipe, in violation of subsection A or B of this  
11 section is guilty of a petty offense and, notwithstanding section 13-802,  
12 shall pay a fine of not more than ~~five hundred dollars~~ \$500.

13 D. This section does not apply to any of the following:

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

20 2. Any instrument or paraphernalia that is solely designed for the  
21 smoking or ingestion of tobacco, E-LIQUIDS, ALTERNATIVE NICOTINE PRODUCTS  
22 or shisha, including a hookah or waterpipe, that is given to or possessed  
23 by a ~~minor~~ PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE if the instrument or  
24 paraphernalia was a gift or souvenir and is not used or intended to be used  
25 by the ~~minor~~ PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE to smoke or ingest  
26 tobacco, E-LIQUIDS, ALTERNATIVE NICOTINE PRODUCTS or shisha.

27 E. SUBSECTIONS A AND B OF THIS SECTION DO NOT APPLY TO A PERSON WHO  
28 POSSESSES, BUYS OR RECEIVES OR WHO SELLS, GIVES OR FURNISHES A TOBACCO  
29 PRODUCT, E-LIQUID, ALTERNATIVE NICOTINE PRODUCT OR VAPOR PRODUCT TO EITHER:

30 1. AN ACTIVE DUTY MILITARY PERSONNEL MEMBER WHO IS AT LEAST EIGHTEEN  
31 YEARS OF AGE AND WHO PRESENTS AN IDENTIFICATION CARD ISSUED BY THE ARMED  
32 FORCES OF THE UNITED STATES AS PROOF OF AGE.

1           2. A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE ON OCTOBER 1,  
2           2019.

3           ~~F.~~ F. For the purposes of this section:

4           1. "ALTERNATIVE NICOTINE PRODUCT":

5           (a) MEANS ANY NONCOMBUSTIBLE PRODUCT THAT CONTAINS NICOTINE AND THAT  
6           IS INTENDED FOR HUMAN CONSUMPTION, WHETHER CHEWED, ABSORBED, DISSOLVED,  
7           INGESTED OR CONSUMED BY ANY OTHER MEANS.

8           (b) DOES NOT INCLUDE ANY E-LIQUID, VAPOR PRODUCT, TOBACCO PRODUCT OR  
9           SHISHA OR ANY PRODUCT REGULATED AS A DRUG OR DEVICE BY THE UNITED STATES  
10          FOOD AND DRUG ADMINISTRATION UNDER SUBCHAPTER V OF THE FEDERAL FOOD, DRUG,  
11          AND COSMETIC ACT.

12          2. "E-LIQUID" MEANS A SUBSTANCE THAT:

13          (a) MAY OR MAY NOT CONTAIN NICOTINE.

14          (b) DOES NOT CONTAIN CANNABIDIOL OR CANNABIS.

15          (c) IS INTENDED TO BE VAPORIZED AND INHALED USING A VAPOR PRODUCT.

16          ~~3.~~ 3. "Shisha" includes any mixture of tobacco leaf and honey,  
17          molasses or dried fruit or any other sweetener.

18          ~~4.~~ 4. "Tobacco product" means any of the following:

19          (a) Cigars.

20          (b) Cigarettes.

21          (c) Cigarette papers of any kind.

22          (d) Smoking tobacco of any kind.

23          (e) Chewing tobacco of any kind.

24          ~~5.~~ 5. "Vapor product":

25          (a) Means ~~a noncombustible tobacco-derived product containing~~  
26          ~~nicotine that employs a mechanical heating element, battery or circuit,~~  
27          ~~regardless of shape or size, that can be used to heat a liquid nicotine~~  
28          ~~solution contained in cartridges. Vapor product EITHER:~~

29          (i) A POWERED VAPORIZER THAT EMPLOYS A MECHANICAL HEATING ELEMENT,  
30          BATTERY OR CIRCUIT, REGARDLESS OF SHAPE OR SIZE, AND THAT CONVERTS AN  
31          E-LIQUID TO A VAPOR INTENDED FOR INHALATION.

1 (ii) A NONCOMBUSTIBLE PRODUCT THAT EMPLOYS A HEATING ELEMENT, POWER  
2 SOURCE, ELECTRONIC CIRCUIT OR OTHER ELECTRONIC, CHEMICAL OR MECHANICAL  
3 MEANS, REGARDLESS OF SHAPE OR SIZE, AND THAT CAN BE USED TO PRODUCE VAPOR  
4 FROM AN E-LIQUID.

5 (b) Does not include any product that is regulated by the United  
6 States food and drug administration under ~~chapter~~ SUBCHAPTER V of the  
7 federal food, drug, and cosmetic act.

8 Sec. 2. Section 15-712, Arizona Revised Statutes, is amended to  
9 read:

10 15-712. Instruction on alcohol, tobacco, e-liquids,  
11 alternative nicotine products, vapor products,  
12 narcotic drugs, marijuana, date rape drugs and other  
13 dangerous drugs; chemical abuse prevention programs;  
14 definitions

15 A. Instruction on the nature and harmful effects of alcohol,  
16 tobacco, E-LIQUIDS, ALTERNATIVE NICOTINE PRODUCTS, VAPOR PRODUCTS, narcotic  
17 drugs, marijuana, date rape drugs and other dangerous drugs on the human  
18 system and instruction on the laws related to the control of these  
19 substances and the nonuse and prevention of use and abuse of alcohol,  
20 tobacco, E-LIQUIDS, ALTERNATIVE NICOTINE PRODUCTS, VAPOR PRODUCTS, narcotic  
21 drugs, marijuana, date rape drugs and other dangerous drugs may be included  
22 in the courses of study in common and high schools, with emphasis on grades  
23 four through nine. Instruction on the nature and harmful effects of  
24 alcohol, tobacco, E-LIQUIDS, ALTERNATIVE NICOTINE PRODUCTS, VAPOR PRODUCTS,  
25 narcotic drugs, marijuana, date rape drugs and other dangerous drugs on a  
26 human fetus may be included in the courses of study in grades six through  
27 twelve. The instruction may be integrated into existing health, science,  
28 citizenship or similar studies and shall meet the criteria for chemical  
29 abuse prevention education programs developed pursuant to ~~subsection C of~~  
30 this section.

1           B. At the request of a school district, the department of education  
2 shall provide technical assistance to school districts that choose to  
3 implement programs to prevent chemical abuse.

4           C. The department of education and the department of health  
5 services, ~~in consultation with the committee established pursuant to~~  
6 ~~section 41-617,~~ shall establish an interagency committee to coordinate  
7 their assistance to school districts.

8           D. The state board of education may accept gifts and grants and  
9 shall distribute them and monies appropriated for chemical abuse prevention  
10 programs to school districts to assist with the costs of programs designed  
11 to prevent chemical abuse by pupils in kindergarten programs and grades one  
12 through twelve. School districts ~~which~~ THAT have approved chemical abuse  
13 prevention policies and procedures as prescribed in section 15-345 are  
14 eligible for a maximum of ~~one dollar~~ \$1 for each pupil or ~~one thousand~~  
15 ~~dollars~~ \$1,000, whichever is more. If sufficient monies are not available  
16 to meet all requests, the state board shall determine which school  
17 districts to fund based on need, availability of other programs or sources  
18 of revenue and the likelihood of the school district's proposed program  
19 successfully meeting needs identified by the school district. A school  
20 district shall include the monies it receives for chemical abuse prevention  
21 programs under this section in the special projects section of the budget  
22 as provided in section 15-903, subsection F.

23           E. For the purpose of this section:

24           1. "ALTERNATIVE NICOTINE PRODUCT" HAS THE SAME MEANING PRESCRIBED IN  
25 SECTION 36-798.

26           2. "DANGEROUS DRUG" HAS THE SAME MEANING PRESCRIBED IN SECTION  
27 13-3401.

28           ~~1.~~ 3. "Date rape drug" means a drug ~~prescribed~~ LISTED in section  
29 13-3401, paragraph 30, subdivisions (f) through (m).

30           4. "E-LIQUID" HAS THE SAME MEANING PRESCRIBED IN SECTION 36-798.

1           5. "MARIJUANA" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-3401.

2           ~~2.~~ 6. "Narcotic drug", ~~"marijuana" and "dangerous drug"~~ have HAS  
3 the same meaning prescribed in section 13-3401.

4           7. "VAPOR PRODUCT":

5           (a) MEANS EITHER:

6           (i) A POWERED VAPORIZER THAT EMPLOYS A MECHANICAL HEATING ELEMENT,  
7 BATTERY OR CIRCUIT, REGARDLESS OF SHAPE OR SIZE, AND THAT CONVERTS AN  
8 E-LIQUID TO A VAPOR INTENDED FOR INHALATION.

9           (ii) A NONCOMBUSTIBLE PRODUCT THAT EMPLOYS A HEATING ELEMENT, POWER  
10 SOURCE, ELECTRONIC CIRCUIT OR OTHER ELECTRONIC, CHEMICAL OR MECHANICAL  
11 MEANS, REGARDLESS OF SHAPE OR SIZE, AND THAT CAN BE USED TO PRODUCE VAPOR  
12 FROMAN E-LIQUID.

13           (b) DOES NOT INCLUDE ANY PRODUCT THAT IS REGULATED BY THE UNITED  
14 STATES FOOD AND DRUG ADMINISTRATION UNDER SUBCHAPTER V OF THE FEDERAL FOOD,  
15 DRUG, AND COSMETIC ACT.

16           Sec. 3. Section 36-798, Arizona Revised Statutes, is amended to  
17 read:

18           36-798. Definitions

19           In this article, unless the context otherwise requires:

20           1. "ALTERNATIVE NICOTINE PRODUCT":

21           (a) MEANS ANY NONCOMBUSTIBLE PRODUCT THAT CONTAINS NICOTINE AND THAT  
22 IS INTENDED FOR HUMAN CONSUMPTION, WHETHER CHEWED, ABSORBED, DISSOLVED,  
23 INGESTED OR CONSUMED BY ANY OTHER MEANS.

24           (b) DOES NOT INCLUDE ANY E-LIQUID, VAPOR PRODUCT, TOBACCO PRODUCT OR  
25 SHISHA OR ANY PRODUCT REGULATED AS A DRUG OR DEVICE BY THE UNITED STATES  
26 FOOD AND DRUG ADMINISTRATION UNDER SUBCHAPTER V OF THE FOOD, DRUG, AND  
27 COSMETIC ACT.

28           ~~1.~~ 2. "Bar" means that portion of any premises licensed under  
29 section 4-209, subsection B, paragraph 6, 7, 11, 12 or 14 that is primarily  
30 used for ~~the~~ selling, ~~consumption~~ CONSUMING or serving ~~of~~ alcoholic  
31 beverages and that is not primarily used for ~~the consumption of~~ CONSUMING  
32 food on the premises.

1           ~~2.~~ 3. "Beedies" or "bidis" means a product containing tobacco that  
2 is wrapped in temburni leaf (diospyros melanoxylon) or tendu leaf  
3 (diospyros exculpra), or any other product that is offered to, or purchased  
4 by, consumers as beedies or bidis.

5           ~~3.~~ 4. "Cigar" means a roll of tobacco or any lawful substitute for  
6 tobacco that is wrapped in tobacco.

7           ~~4.~~ 5. "Cigarette" means a roll of tobacco or any lawful substitute  
8 for tobacco that is wrapped in paper or in any substance other than  
9 tobacco.

10           ~~5. "Minor" means a person who is under eighteen years of age.~~

11           6. "DELIVERY SALE"

12           (a) MEANS A SALE, WHETHER FROM A PERSON IN THIS STATE OR OUTSIDE OF  
13 THIS STATE, OF AN E-LIQUID, VAPOR PRODUCT OR ALTERNATIVE NICOTINE PRODUCT  
14 TO A PURCHASER IN THIS STATE IN WHICH THE PURCHASER SUBMITS THE ORDER FOR  
15 THE SALE THROUGH ONE OF THE FOLLOWING METHODS AND AFTER WHICH THE E-LIQUID,  
16 VAPOR PRODUCT OR ALTERNATIVE NICOTINE PRODUCT IS SHIPPED THROUGH A DELIVERY  
17 SERVICE:

18           (i) BY TELEPHONE.

19           (ii) OVER THE INTERNET.

20           (iii) THROUGH THE MAIL OR ANOTHER DELIVERY SYSTEM.

21           (b) DOES NOT INCLUDE A SALE TO A MANUFACTURER, DISTRIBUTOR OR  
22 RETAILER OF AN E-LIQUID, VAPOR PRODUCT OR ALTERNATIVE NICOTINE PRODUCT THAT  
23 IS NOT FOR PERSONAL CONSUMPTION.

24           7. "DELIVERY SERVICE" MEANS A PERSON, INCLUDING THE UNITED STATES  
25 POSTAL SERVICE, THAT IS ENGAGED IN DELIVERING LETTERS, PACKAGES OR  
26 CONTAINERS.

27           8. "E-LIQUID" MEANS A SUBSTANCE THAT:

28           (a) MAY OR MAY NOT CONTAIN NICOTINE.

29           (b) DOES NOT CONTAIN CANNABIDIOL OR CANNABIS.

1 (c) IS INTENDED TO BE VAPORIZED AND INHALED USING A VAPOR PRODUCT.

2 9. "RETAILER" MEANS A PERSON, OTHER THAN A MANUFACTURER OR  
3 DISTRIBUTOR, THAT IN THE ORDINARY COURSE OF THE PERSON'S REGULAR TRADE OR  
4 BUSINESS:

5 (a) ACQUIRES ANY FORM OF AN E-LIQUID, VAPOR PRODUCT OR ALTERNATIVE  
6 NICOTINE PRODUCT FOR THE PURPOSE OF RESALE TO A CONSUMER.

7 (b) TRANSFERS AN E-LIQUID, VAPOR PRODUCT OR ALTERNATIVE NICOTINE  
8 PRODUCT TO A CONSUMER FOR MONIES OR OTHER CONSIDERATION.

9 ~~6.~~ 10. "Retail tobacco vendor" means a person ~~who~~ THAT possesses  
10 tobacco or tobacco products for the purpose of selling them for consumption  
11 and not for resale.

12 ~~7.~~ 11. "Smokeless tobacco" includes shredded tobacco, snuff,  
13 cavendish and plug, twist and other tobacco products that are intended for  
14 oral use but not for smoking.

15 ~~8.~~ 12. "Smoking tobacco" includes any tobacco or tobacco product,  
16 other than cigarettes and cigars, that is intended to be smoked.

17 ~~9.~~ 13. "Tobacco products" includes cigarettes, cigarette papers,  
18 cigars, smokeless tobacco and smoking tobacco.

19 14. "VAPOR PRODUCT":

20 (a) MEANS EITHER:

21 (i) A POWERED VAPORIZER THAT EMPLOYS A MECHANICAL HEATING ELEMENT,  
22 BATTERY OR CIRCUIT, REGARDLESS OF SHAPE OR SIZE, AND THAT CONVERTS AN  
23 E-LIQUID TO A VAPOR INTENDED FOR INHALATION.

24 (ii) A NONCOMBUSTIBLE PRODUCT THAT EMPLOYS A HEATING ELEMENT, POWER  
25 SOURCE, ELECTRONIC CIRCUIT OR OTHER ELECTRONIC, CHEMICAL OR MECHANICAL  
26 MEANS, REGARDLESS OF SHAPE OR SIZE, AND THAT CAN BE USED TO PRODUCE VAPOR  
27 FROM AN E-LIQUID.

28 (b) DOES NOT INCLUDE ANY PRODUCT THAT IS REGULATED BY THE UNITED  
29 STATES FOOD AND DRUG ADMINISTRATION UNDER SUBCHAPTER V OF THE FEDERAL FOOD,  
30 DRUG, AND COSMETIC ACT.



1 ~~10.~~ 15. "Vending machine" means any mechanical, electrical or  
2 electronic device that, on insertion of money, tokens or any other form of  
3 payment, automatically dispenses tobacco products.

4 Sec. 4. Section 36-798.01, Arizona Revised Statutes, is amended to  
5 read:

6 36-798.01. Selling or giving beedies or bidis; violation;  
7 classification

8 A. It is unlawful for a retail tobacco vendor to sell, furnish, give  
9 or provide beedies or bidis to a ~~minor~~ PERSON WHO IS UNDER TWENTY-ONE YEARS  
10 OF AGE in this state.

11 B. Any person who violates this section is guilty of a class 3  
12 misdemeanor.

13 Sec. 5. Section 36-798.02, Arizona Revised Statutes, is amended to  
14 read:

15 36-798.02. Vending machine sales of tobacco and tobacco  
16 products; signage; violation; classification

17 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, a person  
18 ~~shall~~ MAY not sell OR DISTRIBUTE tobacco products, ~~through a vending~~  
19 ~~machine unless the vending machine is located in~~ E-LIQUIDS, VAPOR PRODUCTS  
20 OR ALTERNATIVE NICOTINE PRODUCTS either:

21 1. AT A RETAIL ESTABLISHMENT IN THIS STATE BY ANY MEANS OTHER THAN  
22 VENDOR-ASSISTED SALES IN WHICH THE CUSTOMER HAS NO DIRECT ACCESS TO THE  
23 PRODUCT EXCEPT THROUGH THE ASSISTANCE OF THE SELLER.

24 2. FROM SELF-SERVICE DISPLAYS OR VENDING MACHINES.

25 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO:

26 1. RETAIL ESTABLISHMENTS IF PERSONS WHO ARE UNDER TWENTY-ONE YEARS  
27 OF AGE ARE NOT ALLOWED IN THE ESTABLISHMENT AND THE PROHIBITION IS POSTED  
28 CLEARLY ON ALL ENTRANCES.

29 2. SALES AUTHORIZED UNDER SECTIONS 36-798.06 AND 36-798.07.

1           ~~1.~~ 3. ~~A bar~~ BARS.

2           ~~2.~~ 4. ~~An~~ Employee lounge ~~area~~ AREAS that ~~is~~ ARE not open to the  
3 public ~~and~~ IF the business in which the lounge area is located does not  
4 employ ~~minors~~ PERSONS WHO ARE UNDER TWENTY-ONE YEARS OF AGE.

5           ~~B.~~ C. A sign measuring at least eighty square inches shall be  
6 obviously affixed to the front of each vending machine. The sign shall  
7 state in block letters, ~~THAT~~ it is illegal for a ~~minor~~ PERSON WHO IS UNDER  
8 TWENTY-ONE YEARS OF AGE to purchase cigarettes, ~~or~~ tobacco products,  
9 E-LIQUIDS, VAPOR PRODUCTS OR ALTERNATIVE NICOTINE PRODUCTS and, ~~upon~~ ON  
10 conviction, a fine of up to ~~three hundred dollars~~ \$300 may be imposed.

11           ~~C.~~ D. This article does not invalidate an ordinance of or prohibit  
12 the adoption of an ordinance by a county, city or town to ~~further restrict~~  
13 ~~the location of vending machines or~~ specify different wording for the  
14 vending ~~machines~~ MACHINE signs as required by subsection ~~B.~~ C of this  
15 section.

16           ~~D.~~ E. A person who violates this section is guilty of a petty  
17 offense.

18           Sec. 6. Section 36-798.03, Arizona Revised Statutes, is amended to  
19 read:

20           36-798.03. Tobacco products, e-liquids, vapor products and  
21 alternative nicotine products; prohibition at  
22 schools and school-related areas; exception;  
23 violation; classification

24           A. THE USE AND POSSESSION OF tobacco products, E-LIQUIDS, VAPOR  
25 PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS are prohibited on school  
26 grounds, inside school buildings, in school parking lots or playing fields,  
27 in school buses or vehicles or at off-campus school sponsored events. For  
28 THE purposes of this subsection, "school" means any public, charter or  
29 private school where children attend classes in kindergarten programs or  
30 grades one through twelve.

31           B. Subsection A of this section does not apply to ~~an adult~~ A PERSON  
32 WHO IS TWENTY-ONE YEARS OF AGE OR OLDER AND who POSSESSES A TOBACCO

1 PRODUCT, AN E-LIQUID, A VAPOR PRODUCT OR AN ALTERNATIVE NICOTINE PRODUCT  
2 FOR PERSONAL USE OR employs tobacco products, E-LIQUIDS, VAPOR PRODUCTS OR  
3 ALTERNATIVE NICOTINE PRODUCTS as a necessary component of a ~~school~~  
4 ~~sanctioned~~ SCHOOL-SANCTIONED tobacco, E-LIQUID, VAPOR PRODUCT OR  
5 ALTERNATIVE NICOTINE PRODUCT prevention or cessation program established  
6 pursuant to section 15-712.

7 C. A person who violates this section is guilty of a petty offense.

8 Sec. 7. Section 36-798.05, Arizona Revised Statutes, is amended to  
9 read:

10 36-798.05. Unsolicited delivery of tobacco products;  
11 violation; classification; civil penalties;  
12 definitions

13 A. It is unlawful for a person to deliver or cause to be delivered  
14 to any residence in this state any tobacco products unsolicited by at least  
15 one ~~adult~~ PERSON WHO IS TWENTY-ONE YEARS OF AGE OR OLDER AND who resides at  
16 that address.

17 B. A person who knowingly violates subsection A of this section is  
18 guilty of a class 2 misdemeanor.

19 C. A person who violates subsection A of this section is subject to  
20 a civil penalty in an amount of not to exceed ~~five thousand dollars~~ \$5,000  
21 for each violation. Each delivery of a tobacco product ~~shall constitute~~  
22 CONSTITUTES a separate violation.

23 D. The attorney general may bring an action to recover civil  
24 penalties and as determined by the court, taxable costs, such other fees  
25 and expenses reasonably incurred and reasonable attorney fees, in the name  
26 of the state for a violation of this section. All civil penalties  
27 recovered shall be deposited, pursuant to sections 35-146 and 35-147, in  
28 the state general fund and all other monies recovered shall be deposited,  
29 pursuant to sections 35-146 and 35-147, in the antitrust enforcement  
30 revolving fund established by section 41-191.02.

31 E. ~~in~~ FOR THE PURPOSES OF this section, ~~unless the context otherwise~~  
32 ~~requires~~:

1           1. "Knowingly" has the same meaning prescribed in section 13-105.

2           2. "Person" means an individual, partnership, firm, association,  
3 corporation, limited liability company, limited liability partnership,  
4 joint venture, or other entity, other than an individual or entity engaged  
5 in the delivery of items for hire.

6           Sec. 8. Title 36, chapter 6, article 14, Arizona Revised Statutes,  
7 is amended by adding sections 36-798.07, 36-798.08 and 36-798.09, to read:

8           36-798.07. Delivery sales of e-liquids, vapor products and  
9           alternative nicotine products; requirements;  
10           violation; classification; civil penalty

11           A. A PERSON MAY NOT MAKE A DELIVERY SALE OF AN E-LIQUID, VAPOR  
12 PRODUCT OR ALTERNATIVE NICOTINE PRODUCT TO A PERSON WHO IS UNDER TWENTY-ONE  
13 YEARS OF AGE.

14           B. A PERSON MAY NOT MAIL, SHIP OR OTHERWISE CAUSE TO BE DELIVERED  
15 ANY E-LIQUID, VAPOR PRODUCT OR ALTERNATIVE NICOTINE PRODUCT IN CONNECTION  
16 WITH A DELIVERY SALE UNLESS, BEFORE THE SALE TO THE PURCHASER, BOTH OF THE  
17 FOLLOWING OCCUR:

18           1. THE SELLER VERIFIES BY AN INDEPENDENT THIRD PARTY THAT THE  
19 PURCHASER IS AT LEAST TWENTY-ONE YEARS OF AGE THROUGH A COMMERCIALY  
20 AVAILABLE DATABASE, OR AGGREGATE OF DATABASES, THAT IS REGULARLY USED BY  
21 GOVERNMENTS AND BUSINESSES FOR THE PURPOSES OF AGE AND IDENTITY  
22 VERIFICATION.

23           2. THE SELLER IS FULLY PAID FOR THE PURCHASE AND ACCEPTS PAYMENT  
24 FROM THE PURCHASER BY ANY OF THE FOLLOWING METHODS:

25           (a) A CHECK DRAWN ON AN ACCOUNT IN THE PURCHASER'S NAME.

26           (b) A CREDIT CARD ISSUED IN THE PURCHASER'S NAME.

27           (c) A DEBIT CARD ISSUED IN THE PURCHASER'S NAME.

28           C. A SELLER MAY SHIP E-LIQUIDS, VAPOR PRODUCTS OR ALTERNATIVE  
29 NICOTINE PRODUCTS ONLY TO A CONSUMER FOR PERSONAL CONSUMPTION.

30           D. A SELLER TAKING A DELIVERY SALE ORDER SHALL REQUEST THE  
31 PURCHASER'S E-MAIL ADDRESS.

1 E. A PERSON WHO KNOWINGLY VIOLATES SUBSECTION A OF THIS SECTION IS  
2 GUILTY OF A CLASS 2 MISDEMEANOR.

3 F. A PERSON WHO VIOLATES SUBSECTION A OF THIS SECTION SHALL PAY A  
4 CIVIL PENALTY OF NOT MORE THAN \$5,000 FOR EACH VIOLATION. EACH DELIVERY OF  
5 AN E-LIQUID, VAPOR PRODUCT OR ALTERNATIVE NICOTINE PRODUCT CONSTITUTES A  
6 SEPARATE VIOLATION.

7 36-798.08. Retail sales: requirements: notice: violation:  
8 classification

9 A. A RETAILER MAY NOT SELL, OFFER TO SELL, FURNISH OR GIVE TOBACCO  
10 PRODUCTS, E-LIQUIDS, VAPOR PRODUCTS OR ALTERNATIVE NICOTINE PRODUCTS UNLESS  
11 THE RETAILER PROMINENTLY DISPLAYS A SIGN THAT READS AS FOLLOWS:

12 IT IS ILLEGAL FOR A PERSON WHO IS UNDER TWENTY-ONE YEARS  
13 OF AGE TO PURCHASE CIGARETTES, TOBACCO PRODUCTS, E-LIQUIDS,  
14 VAPOR PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS. ON  
15 CONVICTION OF SUCH A VIOLATION, A FINE OF NOT MORE THAN \$300  
16 MAY BE IMPOSED ON THE PERSON.

17 B. A RETAILER MAY NOT SELL, OFFER TO SELL, FURNISH OR GIVE TOBACCO  
18 PRODUCTS, E-LIQUIDS, VAPOR PRODUCTS OR ALTERNATIVE NICOTINE PRODUCTS TO A  
19 PERSON WHO REASONABLY APPEARS TO BE UNDER TWENTY-SEVEN YEARS OF AGE WITHOUT  
20 FIRST EXAMINING THE PERSON'S GOVERNMENT-ISSUED PHOTOGRAPHIC IDENTIFICATION  
21 TO ESTABLISH THAT THE PERSON EITHER:

- 22 1. IS AT LEAST TWENTY-ONE YEARS OF AGE.  
23 2. IS AT LEAST EIGHTEEN YEARS OF AGE AND IS ACTIVE DUTY MILITARY  
24 PERSONNEL.  
25 3. WAS AT LEAST EIGHTEEN YEARS OF AGE ON OCTOBER 1, 2019.

26 C. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A PETTY OFFENSE.

27 36-798.09. State preemption

28 THE REGULATION OF TOBACCO PRODUCTS, E-LIQUIDS, VAPOR PRODUCTS AND  
29 ALTERNATIVE NICOTINE PRODUCTS IS A MATTER OF STATEWIDE CONCERN AND IS NOT  
30 SUBJECT TO FURTHER REGULATION BY A POLITICAL SUBDIVISION OF THIS STATE,  
31 INCLUDING A CITY, TOWN AND COUNTY. THIS ARTICLE SUPERSEDES AND PREEMPTS  
32 ANY RULE, REGULATION, CODE OR ORDINANCE ADOPTED BY ANY POLITICAL

1 SUBDIVISION OF THIS STATE, INCLUDING A CITY, TOWN OR COUNTY OR ANY AGENCY  
2 OF A POLITICAL SUBDIVISION OF THIS STATE, REGARDING THE SALE OR MARKETING  
3 OF TOBACCO PRODUCTS, E-LIQUIDS, VAPOR PRODUCTS OR ALTERNATIVE NICOTINE  
4 PRODUCTS."

5 Amend title to conform

JOHN M. ALLEN

1147ALLEN J  
03/26/2019  
01:36 PM  
C: MH