

REFERENCE TITLE: accreditation standards; vaping-related entities

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1445

Introduced by
Senators Shamp, Gowan, Ortiz

AN ACT

AMENDING TITLE 36, CHAPTER 6, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 9.1; RELATING TO PUBLIC HEALTH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 36, chapter 6, Arizona Revised Statutes, is
3 amended by adding article 9.1, to read:

4 ARTICLE 9.1. ACCREDITATION OF VAPING-RELATED ENTITIES

5 36-794. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "ADVERTISEMENT":

8 (a) INCLUDES ANY WRITTEN OR VERBAL STATEMENT, ILLUSTRATION OR
9 DEPICTION THAT IS CALCULATED TO INDUCE SALES OF VAPOR PRODUCTS, INCLUDING
10 ANY WRITTEN, PRINTED, GRAPHIC OR OTHER MATERIAL, BILLBOARD, SIGN OR OTHER
11 OUTDOOR DISPLAY, PUBLIC TRANSIT CARD, OTHER PERIODICAL LITERATURE OR
12 PUBLICATION OR RADIO OR TELEVISION BROADCAST OR ANY OTHER MEDIA.

13 (b) DOES NOT INCLUDE:

14 (i) ANY LABEL THAT IS AFFIXED TO ANY E-LIQUID OR VAPOR PRODUCT, OR
15 ANY INDIVIDUAL COVERING, CARTON OR OTHER WRAPPER OF A BOTTLE THAT
16 CONSTITUTES A PART OF THE LABELING UNDER THIS ARTICLE.

17 (ii) ANY EDITORIAL OR OTHER READING MATERIAL IN ANY PERIODICAL OR
18 PUBLICATION OR NEWSPAPER FOR THE PUBLICATION OF WHICH NO MONEY OR VALUABLE
19 CONSIDERATION IS PAID OR PROMISED, DIRECTLY OR INDIRECTLY, BY ANY
20 PERMITTEE, AND WHICH IS NOT WRITTEN BY OR AT THE DIRECTION OF THE
21 PERMITTEE.

22 2. "APPLICANT" MEANS A NONPROFIT ENTITY THAT APPLIES FOR A PERMIT
23 PURSUANT TO THIS ARTICLE.

24 3. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

25 4. "DISTRIBUTOR" MEANS A PERSON THAT HAS A PERMIT TO EITHER:

26 (a) DISTRIBUTE, SELL, BARTER OR EXCHANGE E-LIQUID OR VAPOR PRODUCTS
27 IN THIS STATE FOR RESALE.

28 (b) PURCHASE E-LIQUID OR VAPOR PRODUCTS DIRECTLY FROM A
29 MANUFACTURER OR DISTRIBUTOR FOR RESALE IN THIS STATE.

30 5. "E-LIQUID" MEANS A SOLUTION THAT:

31 (a) CONTAINS PROPYLENE GLYCOL, VEGETABLE GLYCERIN, NICOTINE AND
32 FLAVORINGS AND THAT IS INTENDED TO BE USED IN A VAPOR PRODUCT.

33 (b) DOES NOT INCLUDE CANNABIS, TETRAHYDROCANNABINOL, CANNABIDIOL OR
34 HEMP.

35 6. "FLAVORING" MEANS A FOOD-GRADE ADDITIVE OR SYNTHETIC FLAVORING
36 SUBSTANCE THAT IS USED TO ADD FLAVOR.

37 7. "MANUFACTURER" MEANS A PERSON THAT IS LOCATED IN THIS STATE,
38 INCLUDING ANY REPACKER OR RELABELER, AND THAT IS ENGAGED IN MANUFACTURING
39 E-LIQUIDS OR VAPOR PRODUCTS.

40 8. "MANUFACTURING" MEANS THE PROCESS BY WHICH AN E-LIQUID OR VAPOR
41 PRODUCT IS FABRICATED, ASSEMBLED, PACKAGED OR LABELED AND IS SEALED IN
42 FINAL PACKAGING INTENDED FOR CONSUMER USE.

43 9. "MARKET" OR "MARKETING" MEANS ANY ACT OR PROCESS OF PROMOTING OR
44 SELLING VAPOR PRODUCTS, INCLUDING SPONSORSHIP OF SPORTING EVENTS,

1 POINT-OF-SALE ADVERTISING AND PROMOTION OF PRODUCTS THAT ARE SPECIFICALLY
2 DESIGNED TO APPEAL TO CERTAIN DEMOGRAPHICS.

3 10. "MINOR" MEANS AN INDIVIDUAL WHO IS UNDER EIGHTEEN YEARS OF AGE.

4 11. "PACKAGING" MEANS ANY RECEPTACLE THAT CONTAINS A FINISHED
5 E-LIQUID OR VAPOR PRODUCT.

6 12. "PERMIT" MEANS A WRITTEN AUTHORIZATION THAT IS ISSUED BY THE
7 DEPARTMENT ENTITLING THE HOLDER TO ACCREDIT MANUFACTURERS, DISTRIBUTORS OR
8 RETAILERS THAT SELL OR OTHERWISE DEAL IN E-LIQUID OR VAPOR PRODUCTS AS
9 PROVIDED IN THIS ARTICLE.

10 13. "RETAILER" MEANS A PERSON, OTHER THAN A MANUFACTURER OR
11 DISTRIBUTOR, THAT IN THE ORDINARY COURSE OF THE PERSON'S REGULAR TRADE OR
12 BUSINESS BOTH:

13 (a) ACQUIRES ANY FORM OF E-LIQUID OR VAPOR PRODUCTS FOR RESALE TO
14 AN END CONSUMER.

15 (b) SELLS AN E-LIQUID OR A VAPOR PRODUCT TO ANOTHER PERSON FOR
16 MONEY OR OTHER CONSIDERATION.

17 14. "SALE" OR "SELL" MEANS TO GIVE AWAY, BARTER, EXCHANGE OR
18 OTHERWISE FURNISH ANY E-LIQUID OR VAPOR PRODUCT TO ANY INDIVIDUAL WHO IS
19 NOT A MINOR.

20 15. "VAPOR PRODUCT" MEANS AN ELECTRONIC DEVICE THAT CONVERTS
21 E-LIQUID TO A VAPOR THAT IS INTENDED FOR INHALATION AND THAT MAY OR MAY
22 NOT CONTAIN E-LIQUID.

23 36-794.01. Permit; application; fees

24 A PERSON WHO WISHES TO ACCREDIT MANUFACTURERS, DISTRIBUTORS OR
25 RETAILERS PURSUANT TO THIS ARTICLE SHALL APPLY TO THE DEPARTMENT FOR A
26 PERMIT AS PRESCRIBED IN THIS SECTION. THE DEPARTMENT SHALL GRANT OR DENY
27 THE APPLICANT'S COMPLETED PERMIT APPLICATION WITHIN SIXTY DAYS AFTER
28 RECEIVING THE APPLICATION. THE DEPARTMENT SHALL APPROVE THE APPLICANT'S
29 PERMIT APPLICATION IF THE DEPARTMENT DETERMINES THAT ALL THE REQUIREMENTS
30 UNDER THIS ARTICLE HAVE BEEN MET. IF THE APPLICANT'S PERMIT APPLICATION
31 IS DENIED, THE DEPARTMENT SHALL NOTIFY THE APPLICANT OF THE REASONS FOR
32 THE DENIAL AND THE APPLICANT MAY REAPPLY WITHIN THIRTY DAYS AFTER THE DATE
33 OF THE DENIAL. THE DEPARTMENT MAY NOT CHARGE AN APPLICATION FEE FOR A
34 REAPPLICATION UNDER THIS SUBSECTION. THE DEPARTMENT-APPROVED APPLICATION
35 SHALL INCLUDE AT LEAST THE FOLLOWING:

- 36 1. THE APPLICANT'S TAX IDENTIFICATION NUMBER.
37 2. THE NAME, TELEPHONE NUMBER AND ADDRESS OF THE NONPROFIT ENTITY.
38 3. THE NAME, TELEPHONE NUMBER AND ADDRESS OF THE APPLICANT AND
39 TITLE OF THE INDIVIDUAL REPRESENTING THE NONPROFIT ENTITY'S APPLICATION.
40 4. VERIFICATION THAT THE APPLICANT HAS ADOPTED STANDARDS FOR
41 ACCREDITATION PURPOSES THAT:

42 (a) COMPLY WITH APPLICABLE TOBACCO PRODUCTS GOOD MANUFACTURING
43 PRACTICES ADOPTED UNDER 21 UNITED STATES CODE SECTION 387f(e).

44 (b) COMPLY WITH THE APPLICABLE INGREDIENT LISTING REQUIRED BY 21
45 UNITED STATES CODE SECTION 387d(a)(1).

(c) MEET ALL OTHER REQUIREMENTS IN THIS ARTICLE.

5. A NONREFUNDABLE INITIAL APPLICATION FEE ESTABLISHED BY THE DEPARTMENT IN RULE. THE FEES COLLECTED UNDER THIS PARAGRAPH SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE VAPOR PRODUCTS COMPLIANCE FUND ESTABLISHED BY SECTION 36-794.04.

36-794.02. Permittees; duties

A. A PERMITTEE SHALL:

1. DESIGN AND PRODUCE A SIGN FOR ACCREDITED BUSINESSES TO DISPLAY THAT SIGNIFIES THE BUSINESS'S COMMITMENT TO ETHICAL AND RESPONSIBLE PRACTICES FOR CUSTOMERS TO RECOGNIZE THE BUSINESSES THAT UPHOLD STRINGENT QUALITY, SAFETY AND AGE-VERIFICATION STANDARDS IN THE PRODUCTION, DISTRIBUTION AND SALE OF E-LIQUID AND VAPOR PRODUCTS.

2. REVIEW ACCREDITATION APPLICATIONS BASED ON CRITERIA, INCLUDING COMPLIANCE WITH REGULATORY STANDARDS, STAFF TRAINING ON PRODUCT SAFETY AND AGE-VERIFICATION PRACTICES.

3. LIST ACCREDITED BUSINESSES IN A PUBLICLY ACCESSIBLE ONLINE REGISTRY THAT CUSTOMERS CAN SEARCH TO FIND TRUSTED RETAILERS IN THE CUSTOMER'S GEOGRAPHIC AREA.

B. TO MAINTAIN ACCREDITATION, RETAILERS SHALL UNDERGO PERIODIC REVIEWS TO ENSURE ONGOING ADHERENCE TO STANDARDS AND PROVIDE CUSTOMERS CONFIDENCE THAT THEY ARE PURCHASING FROM REPUTABLE RETAILERS THAT PRIORITIZE PRODUCT QUALITY AND COMPLIANCE WITH SAFETY REGULATIONS.

C. A PERMITTEE MAY CHARGE FEES FOR THE PERMITTEE'S ACCREDITATION SERVICES.

36-794.03. Accreditation standards

FOR THE PURPOSES OF ACCREDITATION, A PERMITTEE SHALL ADOPT ACCREDITATION STANDARDS THAT:

1. PROHIBIT PRODUCT NAMES, CARTOONS OR OTHER IMAGERY AND PROMOTIONAL ITEMS AND OTHER ADVERTISING CONTENT THAT MAY APPEAL OR BE DIRECTED TO MINORS.

2. PROHIBIT MARKETING, INCLUDING TELEVISION, PRINT AND RADIO ADVERTISING, EVENT MARKETING OR SPONSORSHIPS, FOR VAPOR PRODUCTS IF MORE THAN FIFTEEN PERCENT OF THE RETAILER'S AUDIENCE ARE MINORS OR IF DIRECTED TOWARD MINORS. FOR LOCAL OR STATE ADVERTISING, THE CONTENT MUST BE DIRECTED TOWARD PERSONS WHO ARE AT LEAST EIGHTEEN YEARS OF AGE.

3. REQUIRE A ZERO TOLERANCE POLICY FOR VAPOR PRODUCTS THAT USE IN COMMERCE NAMES, IMAGERY OR DESIGNS THAT INTENTIONALLY MIMIC, PLAY ON, INVOKE OR OTHERWISE INFRINGE ON EXISTING TRADEMARKS, TRADE NAMES OR TRADE DRESS, PARTICULARLY IF ASSOCIATED WITH PRODUCTS THAT ARE OR WERE PRIMARILY MARKETING TO MINORS.

4. PROHIBIT VAPOR PRODUCTS BEING PORTRAYED IN ANY WAY AS A SMOKING CESSATION DEVICE OR AS A PRODUCT THAT MAY BE USED TO HELP QUIT SMOKING.

5. PROHIBIT MARKETING VAPOR PRODUCTS AS PROVIDING A THERAPEUTIC VALUE, AS BEING SAFE OR HEALTHY FOR CONSUMERS OR AS A PRODUCT THAT DOES NOT PRODUCE SECONDHAND HEALTH EFFECTS.

1 6. PROHIBIT MARKETING OR SELLING VAPOR PRODUCTS THAT USE MODIFIED
2 RISK DESCRIPTORS OR CLAIMS, INCLUDING "LIGHT," "LOW," OR "MILD".

3 7. REQUIRE ACCURATE REPRESENTATION OF THE INGREDIENTS CONTAINED IN
4 THE VAPOR PRODUCTS AND IN ANY E-LIQUID.

5 8. ADDRESS CONSUMER DECEPTION.

6 9. ENSURE THAT ALL PRODUCT SAMPLING IS RESTRICTED TO ADULTS AND
7 FOLLOWS ALL APPLICABLE LAWS.

8 10. PROHIBIT THE USE OF HEALTH PROFESSIONALS TO MARKET OR OTHERWISE
9 ENDORSE THEIR VAPOR PRODUCTS, DIRECTLY OR INDIRECTLY.

10 11. PROHIBIT VAPOR PRODUCT MARKETING THAT IS INTENTIONALLY DIRECTED
11 TOWARD PERSONS WHO ARE CURRENT USERS OF TOBACCO PRODUCTS AND DESIGNED TO
12 ENCOURAGE NONTOBACCO USERS TO START USING VAPOR PRODUCTS.

13 12. ENSURE THAT CONTRACTED SPOKESPEOPLE AND INDIVIDUALS ENDORSING
14 VAPOR PRODUCTS ON A COMPANY'S BEHALF BE AND APPEAR TO BE AT LEAST
15 TWENTY-FIVE YEARS OF AGE.

16 13. PROHIBIT BILLBOARD ADVERTISEMENTS THAT PROMOTE OR MARKET VAPOR
17 PRODUCTS WITHIN FIVE HUNDRED FEET OF ANY ELEMENTARY OR SECONDARY SCHOOL,
18 YOUTH ORIENTED FACILITY OR CHILD CARE FACILITY.

19 36-794.04. Vapor products compliance fund

20 THE VAPOR PRODUCTS COMPLIANCE FUND IS ESTABLISHED CONSISTING OF
21 APPLICATION FEES COLLECTED PURSUANT TO SECTION 36-794.01. THE DEPARTMENT
22 SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE SUBJECT TO LEGISLATIVE
23 APPROPRIATION. THE DEPARTMENT MAY USE THE MONIES IN THE FUND FOR THE
24 ENFORCEMENT OF THIS ARTICLE.

25 Sec. 2. Rulemaking

26 The department of health services shall adopt any rules necessary to
27 implement this act.

28 Sec. 3. Short title

29 This act may be cited as the "Youth Protection and Marketing
30 Integrity for Vapor Products Act".