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2   An act relating to retail sales of smoking pipes and

3   smoking devices; creating s. 569.0073, F.S.;

4   prohibiting retail sales of certain smoking pipes and

5   smoking devices under certain circumstances;

6   specifying criteria for the lawful sales of such

7   items; providing a criminal penalty for unlawful sales

8   of such items; providing an effective date.

9

10 Be It Enacted by the Legislature of the State of Florida:

11

12   Section 1. Section 569.0073, Florida Statutes, is created

13 to read:

14   569.0073 Special provisions; smoking pipes and smoking

15 devices.—

16   (1) It is unlawful for any person to offer for sale at

17 retail any of the items listed in subsection (2) unless such

18 person:

19   (a) Has a retail tobacco products dealer permit under s.

20 569.003. The provisions of this chapter apply to any person that

21 offers for retail sale any of the items listed in subsection

22 (2); and

23   (b)1. Derives at least 75 percent of its annual gross

24 revenues from the retail sale of cigarettes, cigars, and other

25 tobacco products; or

26   2. Derives no more than 25 percent of its annual gross

27 revenues from the retail sale of the items listed in subsection

28 (2).

29   (2) The following smoking pipes and smoking devices are

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30 subject to the provisions of this section:

31   (a) Metal, wooden, acrylic, glass, stone, plastic, or

32 ceramic smoking pipes, with or without screens, permanent

33 screens, or punctured metal bowls.

34   (b) Water pipes.

35   (c) Carburetion tubes and devices.

36   (d) Chamber pipes.

37   (e) Carburetor pipes.

38   (f) Electric pipes.

39   (g) Air-driven pipes.

40   (h) Chillums.

41   (i) Bongs.

42   (j) Ice pipes or chillers.

43   (3) Any person who violates this section commits a

44 misdemeanor of the first degree, punishable as provided in s.

45 775.082 or s. 775.083.

46   Section 2. This act shall take effect July 1, 2010.