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LEGISLATIVE ACTION

Senate

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House

The Committee on Innovation, Industry, and Technology (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (6) of section 569.002, Florida Statutes, as amended by SB 810 or similar legislation, 2020 Regular Session, is amended, and subsection (7) is added to that section, to read:

569.002 Definitions.—As used in this chapter, the term:

(6) "Tobacco products" includes:



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11 (a) Any product containing, made of, or derived from
12 tobacco or nicotine that is intended for human consumption or is
13 likely to be consumed, whether inhaled, absorbed, or ingested by
14 any other means, including, but not limited to, a cigarette, a
15 cigar, pipe tobacco, chewing tobacco, snuff, or snus;

16 (b) Any vapor-generating electronic device and any
17 substances that may be aerosolized or vaporized by such device,
18 whether or not the substance contains nicotine; or

19 (c) Any component, part, or accessory of a product
20 described in paragraph (a) or paragraph (b), whether or not any
21 of these contain tobacco or nicotine, including, but not limited
22 to, filters, rolling papers, blunt or hemp wraps, and pipes.

23
24 The term does not include drugs, devices, or combination
25 products authorized for sale by the United States Food and Drug
26 Administration, as those terms are defined in the Federal Food,
27 Drug, and Cosmetic Act.

28 (7) "Vapor-generating electronic device" means any product
29 that employs an electronic, chemical, or mechanical means
30 capable of producing vapor or aerosol from a nicotine product or
31 any other substance, including, but not limited to, an
32 electronic cigarette, electronic cigar, electronic cigarillo,
33 electronic pipe, or other similar device or product; any
34 replacement cartridge for such device; and any other container
35 of nicotine in a solution or other substance form intended to be
36 used with or within an electronic cigarette, an electronic
37 cigar, an electronic cigarillo, an electronic pipe, a vape pen,
38 an electronic hookah, or other similar device or product. The
39 term includes any component, part, or accessory of the device



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40 and also includes any substance intended to be aerosolized or
41 vaporized during the use of the device, whether or not the
42 substance contains nicotine. The term does not include drugs,
43 devices, or combination products authorized for sale by the
44 United States Food and Drug Administration, as those terms are
45 defined in the Federal Food, Drug, and Cosmetic Act.

46 Section 2. This act shall take effect on the same date that
47 SB 810 or similar legislation takes effect, if such legislation
48 is adopted in the same legislative session or an extension
49 thereof and becomes a law.

50
51 ===== T I T L E A M E N D M E N T =====

52 And the title is amended as follows:

53 Delete everything before the enacting clause
54 and insert:

55 A bill to be entitled
56 An act relating to fees; amending s. 569.002, F.S.;
57 expanding the definition of the term "tobacco
58 products" to include vapor-generating electronic
59 devices and components, parts, and accessories of such
60 devices and to include substances that may be
61 aerosolized or vaporized by such devices; defining the
62 term "vapor-generating electronic device"; providing a
63 contingent effective date.