

By the Committees on Appropriations; and Innovation, Industry,  
and Technology; and Senator Simmons

576-03980-20

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1 A bill to be entitled  
2 An act relating to fees; amending s. 569.002, F.S.;  
3 expanding the definition of the term "tobacco  
4 products" to include vapor-generating electronic  
5 devices and components, parts, and accessories of such  
6 devices and to include substances that may be  
7 aerosolized or vaporized by such devices; defining the  
8 term "vapor-generating electronic device"; providing a  
9 contingent effective date.

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

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13 Section 1. Subsection (7) of section 569.002, Florida  
14 Statutes, as amended by SB 810 or similar legislation, 2020  
15 Regular Session, is amended, and subsection (8) is added to that  
16 section, to read:

17 569.002 Definitions.—As used in this chapter, the term:

18 (7) "Tobacco products" includes:

19 (a) Any product containing, made of, or derived from  
20 tobacco or nicotine that is intended for human consumption or is  
21 likely to be consumed, whether inhaled, absorbed, or ingested by  
22 any other means, including, but not limited to, a cigarette, a  
23 cigar, pipe tobacco, chewing tobacco, snuff, or snus; ~~or~~

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

27 (c) Any component, part, or accessory of a product  
28 described in paragraph (a) or paragraph (b), whether or not any  
29 of these contain tobacco or nicotine, including, but not limited

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30 to, filters, rolling papers, blunt or hemp wraps, and pipes.

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32 The term does not include drugs, devices, or combination  
33 products authorized for sale by the United States Food and Drug  
34 Administration, as those terms are defined in the Federal Food,  
35 Drug, and Cosmetic Act.

36 (8) "Vapor-generating electronic device" means any product  
37 that employs an electronic, chemical, or mechanical means  
38 capable of producing vapor or aerosol from a nicotine product or  
39 any other substance, including, but not limited to, an  
40 electronic cigarette, electronic cigar, electronic cigarillo,  
41 electronic pipe, or other similar device or product; any  
42 replacement cartridge for such device; and any other container  
43 of nicotine in a solution or other substance form intended to be  
44 used with or within an electronic cigarette, an electronic  
45 cigar, an electronic cigarillo, an electronic pipe, a vape pen,  
46 an electronic hookah, or other similar device or product. The  
47 term includes any component, part, or accessory of the device  
48 and also includes any substance intended to be aerosolized or  
49 vaporized during the use of the device, whether or not the  
50 substance contains nicotine. The term does not include drugs,  
51 devices, or combination products authorized for sale by the  
52 United States Food and Drug Administration, as those terms are  
53 defined in the Federal Food, Drug, and Cosmetic Act.

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