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LEGISLATIVE ACTION

Senate

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House

Floor: 1/AD/2R

03/05/2020 03:08 PM

Senator Simmons moved the following:

Senate Amendment (with title amendment)

Delete lines 75 - 107

and insert:

(7)~~(6)~~ "Tobacco products" includes:

(a) Loose tobacco leaves, and products made from tobacco leaves, in whole or in part, and cigarette wrappers, which can be used for smoking, sniffing, or chewing; and

(b) Any nicotine product or vapor-generating electronic device.

1. For the purposes of this paragraph, the term:



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12 a. "Vapor-generating electronic device" means any product
13 that employs an electronic, chemical, or mechanical means
14 capable of producing vapor or aerosol from a nicotine product or
15 any other substance, including, but not limited to, an
16 electronic cigarette, electronic cigar, electronic cigarillo,
17 electronic pipe, or other similar device or product; any
18 replacement cartridge for such device; and any other container
19 of nicotine in a solution or other substance form intended to be
20 used with or within an electronic cigarette, an electronic
21 cigar, an electronic cigarillo, an electronic pipe, a vape pen,
22 an electronic hookah, or other similar device or product. The
23 term includes any component, part, or accessory of the device
24 and also includes any substance intended to be aerosolized or
25 vaporized during the use of the device, whether or not the
26 substance contains nicotine.

27 b. "Nicotine product" means any product that contains
28 nicotine, including liquid nicotine, which is intended for human
29 consumption, whether inhaled, chewed, absorbed, dissolved, or
30 ingested by any means. The term includes vapor-generating
31 electronic devices.

32 2. The terms "vapor-generating electronic device" and
33 "nicotine product" do not include:

34 a. Tobacco products described in paragraph (a); or

35 b. Products regulated as a drug or device by the United
36 States Food and Drug Administration under Chapter V of the
37 Federal Food, Drug, and Cosmetic Act.

38 ~~(7) "Any person under the age of 18" does not include any~~
39 ~~person under the age of 18 who:~~

40 ~~(a) Has had his or her disability of nonage removed under~~



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41 ~~chapter 743;~~

42 ~~(b) Is in the military reserve or on active duty in the~~
43 ~~Armed Forces of the United States;~~

44 ~~(c) Is otherwise emancipated by a court of competent~~
45 ~~jurisdiction and released from parental care and responsibility;~~
46 ~~or~~

47 ~~(d) Is acting in his or her scope of lawful employment with~~
48 ~~an entity licensed under the provisions of chapter 210 or this~~
49 ~~chapter.~~

50 Section 4. Paragraphs (b) and (c) of subsection (1) and
51 paragraph (a) of subsection (2) of section 569.003, Florida
52 Statutes, are amended to read:

53 569.003 Retail tobacco products dealer permits;
54 application; qualifications; fees; renewal; duplicates.-

55 (1)

56 (b) Application for a permit must be made on a form
57 furnished by the division and must set forth the name under
58 which the applicant transacts or intends to transact business,
59 the address of the location of the applicant's place of business
60 within the state, and any other information the division
61 requires. If the applicant has or intends to have more than one
62 place of business dealing in tobacco products within this state,
63 a separate application must be made for each place of business.
64 If the applicant is a firm or an association, the application
65 must set forth the names and addresses of the persons
66 constituting the firm or association; if the applicant is a
67 corporation, the application must set forth the names and
68 addresses of the principal officers of the corporation. The
69 application must also set forth any other information prescribed



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70 by the division for the purpose of identifying the applicant
71 firm, association, or corporation. The application must be
72 signed and verified by oath or affirmation by the owner, if a
73 sole proprietor, or, if the owner is a firm, association, or
74 partnership, by the members or partners thereof, or, if the
75 owner is a corporation, by an executive officer of the
76 corporation or by any person authorized by the corporation to
77 sign the application, together with the written evidence of this
78 authority. The application for a permit to deal, at retail, in
79 tobacco products described in s. 569.002(7)(a) must be
80 accompanied by the annual permit fee prescribed by the division.

81 (c) Permits shall be issued annually, ~~upon payment of the~~
82 ~~annual permit fee prescribed by the division.~~ The division shall
83 fix the fee for a permit to deal, at retail, in tobacco products
84 described in s. 569.002(7)(a), in an amount sufficient to meet
85 the costs incurred by it in carrying out its permitting,
86 enforcement, and administrative responsibilities under this
87 chapter, but the fee may not exceed \$50. The proceeds of the fee
88 shall be deposited into the Alcoholic Beverage and Tobacco Trust
89 Fund.

90
91 ===== T I T L E A M E N D M E N T =====

92 And the title is amended as follows:

93 Delete lines 10 - 11

94 and insert:

95 products"; defining the terms "vapor-generating
96 electronic device" and "nicotine product"; deleting
97 the term "any person under the age of 18"; amending s.
98 569.003, F.S.; specifying that fees for a retail



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tobacco products dealer permit only apply to retailers
dealing in certain tobacco products; revising the age