

By Senator Gruters

22-00918-24

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1 A bill to be entitled
2 An act relating to heated tobacco products; amending
3 s. 210.01, F.S.; revising the definition of the term
4 "cigarette"; amending s. 210.095, F.S.; revising the
5 definition of the term "tobacco products"; renaming
6 part II of ch. 210, F.S.; prohibiting its application
7 to heated tobacco products; amending s. 210.25, F.S.;
8 defining the term "heated tobacco product"; conforming
9 a provision to changes made by the act; amending s.
10 569.002, F.S.; revising the definition of the term
11 "tobacco products"; amending s. 951.22, F.S.;
12 conforming a cross-reference; reenacting s. 569.31(4),
13 F.S., relating to definitions, to incorporate the
14 amendment made to s. 569.002, F.S., in a reference
15 thereto; providing an effective date.
16

17 Be It Enacted by the Legislature of the State of Florida:
18

19 Section 1. Subsection (1) of section 210.01, Florida
20 Statutes, is amended to read:

21 210.01 Definitions.—When used in this part the following
22 words shall have the meaning herein indicated:

23 (1) "Cigarette" means any roll for smoking, except one of
24 which the tobacco is fully naturally fermented, without regard
25 to the kind of tobacco or other substances used in the inner
26 roll or the nature or composition of the material in which the
27 roll is wrapped, which is made wholly or in part of tobacco
28 irrespective of size or shape and whether such tobacco is
29 flavored, adulterated or mixed with any other ingredient. The

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30 term does not include a heated tobacco product as defined by s.
31 210.25.

32 Section 2. Paragraph (i) of subsection (1) of section
33 210.095, Florida Statutes, is amended to read:

34 210.095 Mail order, Internet, and remote sales of tobacco
35 products; age verification.—

36 (1) For purposes of this section, the term:

37 (i) "Tobacco products" means all cigarettes, smoking
38 tobacco, snuff, fine-cut chewing tobacco, cut and granulated
39 tobacco, cavendish, ~~and~~ plug or twist tobacco, and heated
40 tobacco products as defined in s. 210.25.

41 Section 3. Part II of chapter 210, Florida Statutes,
42 entitled "Tax on Tobacco Products other than Cigarettes or
43 Cigars," is renamed "Tax on Tobacco Products other than
44 Cigarettes, Heated Tobacco Products, or Cigars."

45 Section 4. Present subsections (6) through (14) of section
46 210.25, Florida Statutes, are redesignated as subsections (7)
47 through (15), respectively, a new subsection (6) is added to
48 that section, and present subsection (12) of that section is
49 amended, to read:

50 210.25 Definitions.—As used in this part:

51 (6) "Heated tobacco product" means a product containing
52 tobacco which produces an inhalable aerosol by heating the
53 tobacco without combustion of the tobacco or by the heat
54 generated from a combustion source that only heats rather than
55 burns the tobacco.

56 (13)~~(12)~~ "Tobacco products" means loose tobacco suitable
57 for smoking; snuff; snuff flour; cavendish; plug and twist
58 tobacco; fine cuts and other chewing tobaccos; shorts; refuse

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59 scraps; clippings, cuttings, and sweepings of tobacco, and other
60 kinds and forms of tobacco prepared in such manner as to be
61 suitable for chewing; but "tobacco products" does not include
62 cigarettes, as defined by s. 210.01(1), heated tobacco products,
63 or cigars.

64 Section 5. Subsection (8) of section 569.002, Florida
65 Statutes, is amended to read:

66 569.002 Definitions.—As used in this part, the term:

67 (8) "Tobacco products" includes loose tobacco leaves, and
68 products made from tobacco leaves, in whole or in part, ~~and~~
69 cigarette wrappers, which can be used for smoking, sniffing, or
70 chewing, and heated tobacco products as defined in s. 210.25.

71 Section 6. Paragraph (d) of subsection (1) of section
72 951.22, Florida Statutes, is amended to read:

73 951.22 County detention facilities; contraband articles.—

74 (1) It is unlawful, except through regular channels as duly
75 authorized by the sheriff or officer in charge, to introduce
76 into or possess upon the grounds of any county detention
77 facility as defined in s. 951.23 or to give to or receive from
78 any inmate of any such facility wherever said inmate is located
79 at the time or to take or to attempt to take or send therefrom
80 any of the following articles, which are contraband:

81 (d) Any tobacco products as defined in s. 210.25 ~~s.~~
82 ~~210.25(12)~~.

83 Section 7. For the purpose of incorporating the amendment
84 made by this act to section 569.002, Florida Statutes, in a
85 reference thereto, subsection (4) of section 569.31, Florida
86 Statutes, is reenacted to read:

87 569.31 Definitions.—As used in this part, the term:

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88 (4) "Nicotine product" means any product that contains
89 nicotine, including liquid nicotine, which is intended for human
90 consumption, whether inhaled, chewed, absorbed, dissolved, or
91 ingested by any means. The term also includes any nicotine
92 dispensing device. The term does not include a:

93 (a) Tobacco product, as defined in s. 569.002;

94 (b) Product regulated as a drug or device by the United
95 States Food and Drug Administration under Chapter V of the
96 Federal Food, Drug, and Cosmetic Act; or

97 (c) Product that contains incidental nicotine.

98 Section 8. This act shall take effect July 1, 2024.