

By Senator DiCeglie

18-01351-25

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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 product"; 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 product"; amending s. 951.22, F.S.;  
12 conforming a cross-reference; reenacting s. 569.31(5),  
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 in 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 product products" means any cigarette all  
38 eigarettes, smoking tobacco, snuff, fine-cut chewing tobacco,  
39 cut and granulated tobacco, cavendish, ~~and~~ plug or twist  
40 tobacco, or heated tobacco product 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 product products" means loose tobacco  
57 suitable for smoking; snuff; snuff flour; cavendish; plug and  
58 twist tobacco; fine-cut ~~fine-cuts~~ and other chewing tobacco

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59 ~~tobacco~~; any short-filler or scrap of tobacco ~~shorts; refuse~~  
60 ~~scraps; any clipping, cutting, or sweeping~~ clippings, cuttings,  
61 ~~and sweepings~~ of tobacco, and any other kind or form ~~kinds and~~  
62 ~~forms~~ of tobacco prepared in such manner as to be suitable for  
63 chewing; but the term "tobacco product ~~products"~~ does not  
64 include any cigarette ~~cigarettes~~, as defined by s. 210.01(1),  
65 heated tobacco product, or cigar ~~cigars~~.

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

68 569.002 Definitions.—As used in this part, the term:

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

74 Section 6. Paragraph (d) of subsection (1) of section  
75 951.22, Florida Statutes, is amended to read:

76 951.22 County detention facilities; contraband articles.—

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

84 (d) Any tobacco product ~~products~~ as defined in s. 210.25 ~~s.~~  
85 210.25(12).

86 Section 7. For the purpose of incorporating the amendment  
87 made by this act to section 569.002, Florida Statutes, in a

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88 reference thereto, subsection (5) of section 569.31, Florida  
89 Statutes, is reenacted to read:

90 569.31 Definitions.—As used in this part, the term:

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

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

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

100 (c) Product that contains incidental nicotine.

101 Section 8. This act shall take effect July 1, 2025.