

By the Committee on Regulated Industries; and Senator DiCeglie

580-02616-25

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A bill to be entitled

An act relating to heated tobacco products; amending s. 210.01, F.S.; revising the definition of the term "cigarette"; amending s. 210.095, F.S.; revising the definition of the term "tobacco product"; renaming part II of ch. 210, F.S.; prohibiting its application to heated tobacco products; amending s. 210.25, F.S.; defining the term "heated tobacco product"; conforming a provision to changes made by the act; amending s. 569.002, F.S.; revising the definition of the term "tobacco product"; amending s. 951.22, F.S.; conforming a cross-reference; reenacting s. 569.31(5), F.S., relating to definitions, to incorporate the amendment made to s. 569.002, F.S., in a reference thereto; providing an effective date.

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

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

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

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

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term does not include a heated tobacco product as defined in s. 210.25.

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

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

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

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

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

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

210.25 Definitions.—As used in this part:

(6) "Heated tobacco product" means a product containing tobacco which produces an inhalable aerosol by heating the tobacco, and such heating, during normal use, does not involve any form of burning or combustion and does not produce any smoke.

(13)~~(12)~~ "Tobacco product products" means loose tobacco suitable for smoking; snuff; snuff flour; cavendish; plug and 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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reference thereto, subsection (5) of section 569.31, Florida Statutes, is reenacted to read:

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

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

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

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

(c) Product that contains incidental nicotine.

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