

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [CS/HB 785](#)

TITLE: Heated Tobacco Products

SPONSOR(S): Tramont

COMPANION BILL: [CS/SB 1418](#) (DiCeglie)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Ways & Means](#)

17 Y, 1 N, As CS



[Industries & Professional](#)

[Activities](#)

12 Y, 2 N



[Commerce](#)

SUMMARY

Effect of the Bill:

HB 785 excludes heated tobacco products (HTPs) from the taxes on cigarettes and other tobacco products under ch. 210, F.S., by updating several definitions. Regulatory provisions for these products are not changed by the bill.

Fiscal or Economic Impact:

The Revenue Estimating Conference estimated the impact of the bill as amended based on a declaratory statement from the Department of Business and Professional Regulation on March 12, 2025, stating that under current law, IQOS would not be subject to the Cigarette or Other Tobacco Product tax and surcharge. The REC determined there would be no impact from the bill because such products would already be excluded from the tax.

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ANALYSIS

EFFECT OF THE BILL:

The bill excludes [heated tobacco products](#) from the [taxes on tobacco products](#) in ch. 210, F.S.

The bill accomplishes this by updating definitions for “heated tobacco product” (Section [4](#)), “[cigarette](#)” (Section [1](#)), and “[tobacco product](#)” (Sections [2](#), [5](#)), to exclude heated tobacco products from taxation as cigarettes under part I of ch. 210, F.S. (Section [1](#)) or as tobacco products under part II of ch. 210, F.S. (Sections [3](#), [4](#)).

The definitional changes still require compliance with the [delivery requirements](#) in [s. 210.095, F.S.](#), for heated tobacco products (Section [2](#)).

The bill renames part II of ch. 210, F.S., from “Tax on Tobacco Products other than Cigarettes or Cigars,” to “Tax on Tobacco Products other than Cigarettes, Heated Tobacco Products, or Cigars” (Section [3](#)), and makes other conforming changes (Sections [6-7](#)).

The bill takes effect on July 1, 2025 (Section [8](#)).

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The Revenue Estimating Conference met on March 28, 2025 and estimated the impact of the bill as amended based on a declaratory statement from the Department of Business and Professional Regulation on March 12, 2025, stating that under current law, IQOS would not be subject to the Cigarette or Other Tobacco Product tax and surcharge. The REC determined there would be no impact from the bill because such products would already be excluded from such tax.

STORAGE NAME: h0785d.IPA

DATE: 4/2/2025

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Heated Tobacco Products](#)

Heated tobacco products (HTPs), also known as heat-not-burn products, generate an aerosol containing nicotine by heating a tobacco-filled paper stick. The sticks are placed into a device which heats the tobacco electronically which produces a nicotine containing aerosol inhaled by the user. The heating element does not produce enough heat to burn the tobacco.¹ These products do not produce smoke because the tobacco is not burned or ignited.²

The HTP IQOS, developed by Philip Morris International (PMI), is the only HTP that has received authorization by the Federal Drug Administration. In 2021, a patent dispute led to an import ban on IQOS devices in the U.S., halting their sales. In February 2024, PMI and British American Tobacco settled the patent litigations related to heated tobacco products allowing for its reintroduction to the U.S. market.³

[Taxation of Tobacco Products](#)

Taxes are imposed on the sale of cigarettes and other tobacco products in Florida. The tax is paid by the wholesale dealer at the time of first sale within the state. For cigarettes of common size, the excise tax rate is \$0.339 per pack, with rates varying proportionately for cigarettes and packs of non-standard size.⁴ Additionally, a \$1.00 surcharge per pack of common size cigarettes is imposed, with rates varying proportionately for cigarettes and packs of non-standard size.⁵ For other tobacco products, the tax rate is 25 percent of the wholesale price,⁶ with an additional surcharge of 60 percent of the wholesale price.⁷ The taxation of tobacco is administered pursuant to chapter 210, F.S.

Section [210.01\(1\), F.S.](#), defines the term “[cigarette](#)” to mean, for purposes of taxation:

“[A]ny 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.”

In s. [210.25\(12\), F.S.](#), the term “[tobacco product](#)” is defined for purposes of the taxation of tobacco products other than cigarettes or cigars. It is also used for the licensing of tobacco product manufacturers, importers, exporters, distributing agents, or wholesale dealers under part II of ch. 210, F.S. In this context, the term “tobacco products” means:

“[L]oose tobacco suitable for smoking; snuff; snuff flour; cavendish; plug and twist tobacco; fine cuts and other chewing tobaccos; shorts; refuse scraps; clippings, cuttings, and sweepings of tobacco, and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing; but ‘tobacco products’ does not include cigarettes, as defined by s. 210.01(1), or cigars.”

¹ [Introduction to Heated Tobacco Products](#)

² Campaign for Tobacco Free Kids, *Heated Tobacco Products, Definition and Global Market*, available at: https://assets.tobaccofreekids.org/global/pdfs/en/HTP_definition_en.pdf (last visited Jan. 20, 2024).

³ Philip Morris asks U.S. appeals court to overturn import ban on IQOS tobacco devices at: <https://www.reuters.com/legal/litigation/philip-morris-asks-us-appeals-court-overturn-import-ban-iqos-tobacco-devices-2022-10-03/?utm> (last visited March 8, 2025)

⁴ Section [210.02, F.S.](#)

⁵ Section [210.011, F.S.](#)

⁶ Section [210.30, F.S.](#)

⁷ Section [210.276, F.S.](#)

Regulation of Tobacco Products

The definition of “tobacco products” in [s. 569.002\(6\), F.S.](#), is limited to the regulation of tobacco products by the Department of Business and Professional Regulation (DBPR) under ch. 569, F.S.

Dealer Permits

Section [569.003, F.S.](#), requires a retail tobacco products dealer to acquire a permit from the division for each place of business where tobacco products are sold, including sales made through a vending machine.

Section [210.15, F.S.](#), also requires a permit for every person, firm, or corporation desiring to engage in business as a manufacturer, importer, exporter, distributing agent, or wholesale dealer of cigarettes within Florida. To qualify for a permit, a person must be of good moral character and not less than 21 years of age to qualify. In addition, permits to corporations may be issued only to corporations whose officers are of good moral character and not less than 21 years of age.⁸

Delivery Requirements for Mail Order, Internet, Other Remote Sales of Tobacco Products

Section [210.095\(5\), F.S.](#), provides requirements for the delivery of mail order, Internet, and other remote sales of tobacco products, including age verification requirements. All such deliveries are defined as “delivery sales.”⁹ Specific notice and shipping requirements are provided for all delivery sales, whether in-state or out-of-state. Each person who mails, ships, or otherwise delivers tobacco products in connection with an order for a delivery sale is required to:

- Include, as part of the shipping documents, in a clear and conspicuous manner, the following statement: “Tobacco Products: Florida law prohibits shipping to individuals who are not 21 years of age or older and requires the payment of all applicable taxes.”
- Use a method of mailing, shipping, or delivery which obligates the delivery service to:
 - Require the signature of an adult who resides at the delivery address.
 - Require proof that the individual accepting delivery is either the addressee or the adult designated by the addressee.
 - Provide to the delivery service, if such service is used, evidence of full compliance with requirements for the collection and remittance of all taxes imposed on tobacco products by this state with respect to the delivery sale.¹⁰

DBPR Declaratory Statement

On March 12, 2025, DBPR issued a declaratory statement regarding PMI’s IQOS electronic heating device. DBPR found that IQOS is not a tobacco product as defined in [s. 210.25\(12\), F.S.](#) because it is not “loose tobacco suitable for smoking.” Heatsticks within the device do not consist of discernable tobacco leaves and do not leave behind individual pieces of tobacco once consumed. Additionally, IQOS does not create any visible smoke, fumes, or gaseous product that would commonly be considered “smoke” or a byproduct of “smoking.” Therefore, DBPR determined PMI’s product is not subject to a surcharge and taxation as a tobacco product under sections 210.276 and [210.30, F.S.](#)

DBPR also determined that IQOS does not constitute a “cigarette” as defined in s. 210.185, F.S because the device does not involve the burning of tobacco. Because IQOS is not a cigarette, it is not subject to a surcharge and taxation under sections 210.011 and [210.02, F.S.](#)

⁸ Section [210.15\(2\)\(b\), F.S.](#)

⁹ Section [210.095\(1\)\(b\), F.S.](#)

¹⁰ Section [210.095\(5\), F.S.](#)

OTHER RESOURCES:

[CDC](#)

[Introduction to Heated Tobacco Products](#)

[DBPR Declaratory Statement](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Ways & Means Committee	17 Y, 1 N, As CS	3/13/2025	Aldridge	Hallaian
THE CHANGES ADOPTED BY THE COMMITTEE:	Revised the definition of "heated tobacco products" to exclude hookah tobacco products.			
Industries & Professional Activities Subcommittee Commerce Committee	12 Y, 2 N	4/1/2025	Anstead	Garcia

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.
