

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 377](#)

**TITLE:** Heated Tobacco Products

**SPONSOR(S):** Tramont

### Committee References

[Ways & Means](#)

14 Y, 1 N

[Industries & Professional](#)

[Activities](#)

14 Y, 2 N

[Commerce](#)

## SUMMARY

### Effect of the Bill:

HB 377 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 estimates that the bill will have no impact on state and local government revenues.

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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, 2026. (Section 8).

### FISCAL OR ECONOMIC IMPACT:

#### STATE GOVERNMENT:

The Revenue Estimating Conference estimates that the bill will have no impact on state government revenues.

#### LOCAL GOVERNMENT:

The Revenue Estimating Conference estimates that the bill will have no impact on state government revenues.

# 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.<sup>1</sup> These products do not produce smoke because the tobacco is not burned or ignited.<sup>2</sup>

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.<sup>3</sup>

### 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.<sup>4</sup> 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.<sup>5</sup> For other tobacco products, the tax rate is 25 percent of the wholesale price,<sup>6</sup> with an additional surcharge of 60 percent of the wholesale price.<sup>7</sup> 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.”

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<sup>1</sup> [Introduction to Heated Tobacco Products](#)

<sup>2</sup> 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](https://assets.tobaccofreekids.org/global/pdfs/en/HTP_definition_en.pdf) (last visited Jan. 5, 2026).

<sup>3</sup> 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 Jan. 5, 2026)

<sup>4</sup> Section [210.02, F.S.](#)

<sup>5</sup> Section [210.011, F.S.](#)

<sup>6</sup> Section [210.30, F.S.](#)

<sup>7</sup> Section [210.276, F.S.](#)

## Regulation of Tobacco Products

The definition of “tobacco products” in [s. 569.002\(8\), F.S.](#), applies to the regulation of tobacco products by the Division of Alcoholic Beverages and Tobacco (Division) of 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.<sup>8</sup>

### 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.”<sup>9</sup> 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.<sup>10</sup>

### DBPR Declaratory Statement

On March 12, 2025, DBPR issued a declaratory statement<sup>11</sup> 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, F.S.](#), and [210.30, F.S.](#)

<sup>8</sup> Section [210.15\(2\)\(b\), F.S.](#)

<sup>9</sup> Section [210.095\(1\)\(b\), F.S.](#)

<sup>10</sup> Section [210.095\(5\), F.S.](#)

<sup>11</sup> *In Re: Petition for Declaratory Statement by Philip Morris International, Inc. & Affiliates*, DBPR Case No. 2025-014271 (March 12, 2025). The Division published a Notice of Declaratory Statement in the Florida Administrative Register on March 14, 2025, indicating the “petition for declaratory statement was granted and answered. The product described by Petitioner was not found to be subject to certain excise taxes and surcharges.” That notice is available at [https://flrules.org/Gateway/View\\_notice.asp?id=29369968](https://flrules.org/Gateway/View_notice.asp?id=29369968) (last visited January 24, 2026).

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, F.S.](#), and [210.02, 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
<a href="#">Ways &amp; Means Committee</a>	14 Y, 1 N	1/27/2026	Aldridge	Hallaian
<a href="#">Industries &amp; Professional Activities Subcommittee</a>	14 Y, 2 N	2/5/2026	Anstead	Miralia
<a href="#">Commerce Committee</a>				