

House Bill 251

By: Representative Powell of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
2 relating to sale or distribution to, or possession by, minors of cigarettes and tobacco related
3 objects, so as to provide definitions; to prohibit the sale of alternative nicotine products or
4 components thereof to minors; to provide for verification of age prior to sale; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 7 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to sale
9 or distribution to, or possession by, minors of cigarettes and tobacco related objects, is
10 amended by adding a new Code section to read as follows:

11 "16-12-171.1.

12 (a) As used in this Code section, the term:

13 (1)(A) 'Alternative nicotine product' means:

14 (i) An electronic cigarette; or

15 (ii) Any other product that consists of or contains nicotine that can be ingested into
16 the body by chewing, smoking, absorbing, dissolving, inhaling, or any other means.

17 (B) Alternative nicotine product does not include:

18 (i) A cigarette or other tobacco product as defined in Code Section 16-12-170;

19 (ii) A product that is a drug under 21 U.S.C. Section 321(g)(1);

20 (iii) A product that is a device under 21 U.S.C. Section 321(h); or

21 (iv) A combination product described in 21 U.S.C. Section 353(g).

22 (2) 'Electronic cigarette' means an electronic product or device that produces a vapor that
23 delivers nicotine or other substances to the person inhaling from the device to simulate
24 smoking and is likely to be offered to, or purchased by, consumers as an electronic
25 cigarette, electronic cigar, electronic cigarillo, or electronic pipe. Electronic cigarette
26 does not include:

27 (A) A cigarette or other tobacco product as defined in Code Section 16-12-170;

28 (B) A product that is a drug under 21 U.S.C. Section 321(g)(1);

29 (C) A product that is a device under 21 U.S.C. Section 321(h); or

30 (D) A combination product described in 21 U.S.C. Section 353(g).

31 (b) No person, either directly or indirectly by an agent or employee, or by a vending
32 machine owned by the person or located in the person's establishment, shall sell, offer for
33 sale, give, or furnish any alternative nicotine product, or any cartridge or component of an
34 alternative nicotine product, to an individual under 18 years of age.

35 (c) Before selling, offering for sale, giving, or furnishing an alternative nicotine product,
36 or any cartridge or component of an alternative nicotine product, to an individual, a person
37 shall verify that the individual is at least 18 years of age by:

38 (1) Examining from any individual who appears to be under 27 years of age a
39 government issued photographic identification that establishes that the individual is at
40 least 18 years of age; or

41 (2) Performing an age verification through an independent, third-party age verification
42 service that compares information available from public records to the personal
43 information entered by the individual during the ordering process for sales made through
44 the Internet or other remote sales methods that establishes that the individual is 18 years
45 of age or older."

46 **SECTION 2.**

47 All laws and parts of laws in conflict with this Act are repealed.