

The Senate Committee on Finance offered the following substitute to SB 199:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 48 of the Official Code of Georgia Annotated, relating to taxes
2 on tobacco and vaping products, so as to permit the sale and delivery of vapor products by
3 licensed manufacturers directly to individuals in this state under certain conditions; to
4 provide for definitions; to provide for related matters; to provide for an effective date; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 11 of Title 48 of the Official Code of Georgia Annotated, relating to taxes on
9 tobacco and vaping products, is amended by adding a new paragraph to Code Section
10 48-11-1, relating to definitions, as follows:

11 "(19.1) 'Delivery sale' means any sale of vapor products by a licensed manufacturer
12 directly to an individual for his or her personal consumption if:

13 (A) The individual makes the purchase or submits the order for sale by mail, email,
14 electronic means, or telephone or other method of voice transmission; and

15 (B) Any such product is delivered to the purchaser by common carrier, private delivery
16 service, or other method of remote delivery."

SECTION 2.

Said chapter is further amended by revising subsection (a) of Code Section 48-11-4.1, relating to sale of vapor products to persons not licensed as manufacturer, importer, distributor, or dealer by any means other than in-person sale prohibited, identification requirement, and penalties for violation, as follows:

"(a) Except as expressly provided in Code Section 48-11-4.2 or Code Section 48-11-4.3, it shall be unlawful to sell vapor products to any person who is not a licensed manufacturer, importer, distributor, or dealer of vapor products pursuant to Code Section 48-11-4 by any means other than an in-person, face-to-face sale."

SECTION 3.

Said chapter is further amended by adding a new Code section to read as follows:

"48-11-4.3.

(a) Notwithstanding the provisions of Code Section 48-11-4.2, any licensed manufacturer of vapor products may conduct delivery sales, provided that it:

(1) Requires each purchaser to create an online profile or account with his or her personal information that includes his or her full name, birth date, and residential address; and

(2) Verifies the purchaser's information using a commercially available data base or aggregate of data bases regularly used by governments and businesses for age and identity verification and authentication that proves he or she is at least 21 years of age.

(b) Such a licensed manufacturer of vapor products shall ship the vapor products only using a common carrier or other delivery service that requires the purchaser or another adult to sign to accept delivery of the shipping container at the delivery address and obtains proof from the individual who accepts delivery, in the form of proper identification, that he or she is at least 21 years of age.

(c) Each seller shall comply with all requirements to collect and remit any taxes imposed by this title on each delivery sale.

(d) The commissioner shall be authorized to promulgate and enforce such rules and regulations as he or she deems necessary to administer the provisions of this Code section.

(e)(1) Upon a violation of this Code section, or any rule or regulation promulgated thereunder, the commissioner shall have the power to impose a fine not to exceed \$500.00 for each violation and may suspend for up to 30 days for each violation the authorization provided by this Code section for the licensed dealer of vapor products to conduct delivery sales pursuant to this Code section.

(2) This subsection shall not be construed to allow the commissioner to suspend or terminate the authorization of a licensed manufacturer to manufacture, fabricate, assemble, process, or label finished tobacco products, alternative nicotine products, or vapor products for sale to a licensed dealer or distributor in this state.

(f) The penalties provided for in this Code section shall be in addition to any criminal penalties that may otherwise be provided by law."

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

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