

House Bill 958

By: Representatives Au of the 50th, Stephens of the 164th, Greene of the 154th, Hawkins of the 27th, and Buckner of the 137th

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 require vapor product manufacturers to disclose
3 ingredients in consumable vapor products distributed, sold, or offered for sale in this state;
4 to provide definitions; to provide for publication; to provide for exemptions; to provide for
5 penalties; to provide for related matters; to 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 Code section to read as follows:
10 "48-11-4.3.

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

12 (1) 'Chemical of concern' means a chemical or class of chemicals that, alone or in
13 combination with other ingredients, is harmful to human health or the environment
14 because of hazardous properties or risks from potential exposure, as identified by rule or
15 regulation of the commissioner. Such term shall include any allergen, asthmagen,

16 carcinogen, mutagen, endocrine disruptor, reproductive or developmental toxicant,
17 persistent bioaccumulative toxicant, or neurotoxicant.

18 (2) 'Ingredient' means:

19 (A) Any constituent of a consumable vapor product;

20 (B) Any intentional additive present in any quantity in a consumable vapor product;

21 (C) Any chemical of concern, by-product, or contaminant present in a consumable
22 vapor product in any quantity equal to or greater than one-half of 1 percent of the
23 content of such product by weight; and

24 (D) Any chemical of concern or contaminant present in a consumable vapor product
25 in a quantity less than one-half of 1 percent of the content of such product by weight
26 as determined by the commissioner by rule or regulation.

27 (b) No later than January 1, 2027, and annually thereafter, vapor product manufacturers
28 of consumable vapor products distributed, sold, or offered for sale in this state shall furnish
29 to the commissioner for each vapor product:

30 (1) A list naming each ingredient of such vapor product in descending order of
31 predominance by weight in such product;

32 (2) A statement regarding the nature and extent of investigations and research performed
33 by or for the manufacturer concerning the effects on human health of such product or its
34 ingredients;

35 (3) A list of each ingredient of such product that is a chemical of concern; and

36 (4) For each ingredient identified as a chemical of concern, a statement regarding any
37 evaluation of the availability of potential alternatives and potential hazards posed by such
38 alternatives.

39 (c) No later than January 1, 2027, and annually thereafter, each vapor product
40 manufacturer of consumable vapor products distributed, sold, or offered for sale in this
41 state shall post on such manufacturer's website the list of ingredients for each consumable
42 vapor product as provided in subsection (b) of this Code section in a manner prescribed by

43 the commissioner that is readily accessible to the public and machine readable. Such list
44 shall be updated when the ingredients in such product change, the predominance of the
45 ingredients in such product changes, or as required by the commissioner.

46 (d) Proprietary processes or ingredients shall be exempt from disclosure and publication
47 requirements in this Code section as determined by the commissioner by rule or regulation.

48 (e) A violation of any provision of this Code section shall be punished as for a
49 misdemeanor as provided in Code Section 16-1-10 and shall result in the probation,
50 suspension, or revocation by the commissioner of all licenses issued to the manufacturer
51 pursuant to Code Section 48-11-4."

52 **SECTION 2.**

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