

House Bill 959

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

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 prohibit the sale of any flavored consumable vaping  
3 product; to provide definitions; to provide for penalties; to provide for related matters; to  
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 11 of Title 48 of the Official Code of Georgia Annotated, relating to taxes on  
8 tobacco and vaping products, is amended by adding a new Code section to read as follows:  
9 "48-11-4.3.

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

11 (1) 'Characterizing flavor' means any taste or odor, distinguishable by an ordinary  
12 consumer either prior to or during the consumption of a consumable vapor product,  
13 including, but not limited to, any taste or odor relating to fruit, chocolate, vanilla, honey,  
14 candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb or spice, or  
15 a cooling sensation distinguishable by an ordinary consumer during the consumption of  
16 a consumable vapor product. Such term shall not include the taste or odor of tobacco.

17 (2) 'Flavored consumable vapor product' means a consumable vapor product that  
18 contains any ingredient, concentrate, diluent, or enhancement, whether natural, artificial,  
19 or organic, that imparts a characterizing flavor.

20 (b) It shall be unlawful for any person to give, distribute, sell, offer for sale, or furnish to  
21 any person a flavored consumable vapor product in this state.

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

26 **SECTION 2.**

27 All laws and parts of laws in conflict with this Act are repealed.