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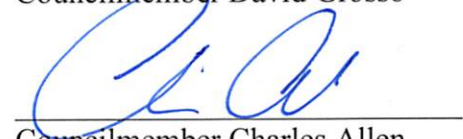

Councilmember Vincent C. Gray

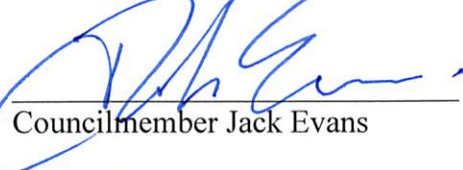

Councilmember Mary M. Cheh


Councilmember Robert C. White, Jr.


Councilmember David Grosso


Councilmember Elissa Silverman


Councilmember Charles Allen


Councilmember Jack Evans


Councilmember Brianne Nadeau


Councilmember Anita Bonds

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend An act to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia to prohibit the sale or distribution of a flavored electronic smoking device.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Flavored Electronic Smoking Device Prohibition Amendment Act of 2019."

40 Sec. 2. An act to prohibit the sale of tobacco to minors under sixteen years of age in the
41 District of Columbia, approved February 7, 1891 (26 Stat. 736; D.C. Official Code § 7-1721.04
42 *et seq.*), is amended as follows:

43 (a) Section 2 (D.C. Official Code § 7-1721.01) is amended as follows:

44 (1) Paragraph (1) is redesignated as paragraph (1D).

45 (2) New paragraphs (1), (1A), (1B), and (1C) are added to read as follows:

46 “(1) “Characterizing flavor” means a distinguishable taste or aroma imparted by
47 an electronic smoking device, including fruit, chocolate, vanilla, candy, dessert, alcoholic
48 beverage, or mint.

49 “(1A) “Constituent” means any ingredient, substance, chemical, or compound,
50 other than tobacco, water, or reconstituted tobacco sheet that is added by the manufacturer to a
51 tobacco product during the processing, manufacture, or packing of the tobacco product.

52 “(1B) “Electronic smoking device” shall have the same meaning as provided in
53 section 4915(1) of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001
54 (D.C. Law 14-28; D.C. Official Code § 7-741.01(1)).

55 “(1C) “Flavored electronic smoking device” means an electronic smoking device
56 that contains a constituent that imparts a characterizing flavor. Flavored electronic smoking
57 devices include flavored e-cigarettes, flavored e-liquids, and flavored e-cigars.”.

58 (b) A new section 7a (D.C. Official Code § 7-1721.06a) is added to read as follows:

59 “Sec. 7a. Sale or distribution of flavored electronic smoking device prohibited.

60 “(a) No person shall sell or distribute a flavored electronic smoking device in the District.

61 “(b) There shall be a rebuttable presumption that an electronic smoking device is a
62 flavored electronic smoking device if a manufacturer or any of the manufacturer’s agents or

63 employees, in the course of their agency or employment, has made a statement or claim directed
64 to consumers or to the public that the electronic smoking device has or produces a characterizing
65 flavor, including by text, color, or images on the product's labeling or packaging that are used to
66 explicitly or implicitly communicate that the electronic smoking device has a characterizing
67 flavor.

68 “(c) A person violating subsection (a) of this section shall be subject to a civil fine of not
69 more than \$1000 for each violation.

70 “(d) A license to sell tobacco products issued pursuant to D.C. Official Code § 47-2404
71 may be suspended for a first or second violation of subsection (a) of this section. The license
72 shall be revoked for a third or subsequent violation of subsection (a) of this section.”.

73 Sec. 3. Fiscal impact statement.

74 The Council adopts the fiscal impact statement in the committee report as the fiscal
75 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
76 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

77 Sec. 4. Effective date.

78 This act shall take effect following approval by the Mayor (or in the event of veto by the
79 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
80 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
81 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
82 Columbia Register.