

Senate Bill 347

By: Senator McKoon of the 29th

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 electronic cigarettes and vapor
4 products or components thereof to minors; to provide for verification of age prior to sale; to
5 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 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) 'Electronic cigarette' means an electronic product or device that produces a vapor that
14 delivers nicotine or other substances to the person inhaling from the device to simulate
15 smoking and is likely to be offered to, or purchased by, consumers as an electronic
16 cigarette, electronic cigar, electronic cigarillo, or electronic pipe. Electronic cigarette
17 does not include:

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

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

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

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

22 (2) 'Liquid nicotine or e-liquid product' means an electronic cigarette refill product sold
23 as a prefilled cartridge or bottle containing, but not limited to, natural and artificial
24 flavors, nicotine, and a carrier liquid that vaporizes when heat is applied, or any
25 substantially similar product.

26 (b) No person, either directly or indirectly by an agent or employee or by a vending
27 machine owned by the person or located in the person's establishment, shall sell, offer for
28 sale, give, or furnish an electronic cigarette, or any cartridge or component of an electronic
29 cigarette, or any liquid nicotine or e-liquid product in any form to an individual under 18
30 years of age.

31 (c) Before selling, offering for sale, giving, or furnishing an electronic cigarette, or any
32 cartridge or component of an electronic cigarette, or any liquid nicotine or e-liquid product
33 in any form to an individual, a person shall verify that the individual is at least 18 years of
34 age by:

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

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

43 **SECTION 2.**

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