

2022 -- H 7870

LC005292

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO HEALTH AND SAFETY -- DEPARTMENT OF HEALTH

Introduced By: Representatives Tanzi, Felix, McGaw, Ajello, and Batista

Date Introduced: March 04, 2022

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-1-58 of the General Laws in Chapter 23-1 entitled "Department
2 of Health" is hereby amended to read as follows:

3 ~~23-1-58. Penalty for operating without a dealer license~~ **Penalty for operating without**
4 **a dealer license and other sales' restriction violations.**

5 (a) Any individual or business who violates this chapter by selling or conveying an
6 electronic nicotine-delivery system product without a retail license, or any dealer who sells or offers
7 to sell an electronic nicotine-delivery system in violation of § 23-1-60, shall be cited for that
8 violation and shall be required to appear in district court for a hearing on the citation.

9 (b) Any individual or business cited for a violation hereunder shall:

10 (1) Either post a five hundred dollar (\$500) bond with the district court within ten (10) days
11 of the citation; or

12 (2) Sign and accept the citation indicating a promise to appear in court.

13 (c) An individual or business who or that has accepted the citation may:

14 (1) Pay the five hundred dollar (\$500) fine, either by mail or in person, within ten (10) days
15 after receiving the citation; or

16 (2) If that individual or business has posted a bond, forfeit the bond by not appearing at the
17 scheduled hearing. If the individual or business cited pays the five hundred dollar (\$500) fine or
18 forfeits the bond, that individual or business is deemed to have admitted the cited violation and to
19 have waived the right to a hearing on the issue of commission on the violation.

1 (d) The court, after a hearing on a citation, shall make a determination as to whether a
2 violation has been committed. If it is established that the violation did occur, the court shall impose
3 a five hundred dollar (\$500) fine in addition to any court costs or fees.

4 SECTION 2. Chapter 23-1 of the General Laws entitled "Department of Health" is hereby
5 amended by adding thereto the following sections:

6 **23-1-59. Tobacco product sales' restrictions -- Definitions.**

7 Whenever used in this chapter, unless the context requires otherwise:

8 (1) "Contraband" means any electronic nicotine-delivery system or tobacco product found
9 to be in violation of any provision of this chapter.

10 (2) "Electronic nicotine-delivery system" means the products as defined in § 11-9-13.4.

11 (3) "Flavored product" means any electronic nicotine-delivery system or tobacco product
12 that imparts a distinguishable taste or aroma, other than the taste or smell of tobacco, either prior
13 to, or during, consumption of the product, including, but not limited to, tastes or aromas relating to
14 any fruit, mint, menthol, wintergreen, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic
15 beverage, herb or spice. The determination of whether a product is flavored shall not be based
16 solely on the use of additives, flavorings, or particular ingredients, but shall instead consider all
17 aspects of the final product including, but not limited to, taste, flavor and aroma, product labeling,
18 and advertising statements. A product shall be presumed to be flavored if a dealer or distributor has
19 made a statement or claim directed to consumers or the public about such flavor, whether expressed
20 or implied, that it has a distinguishable taste or aroma (other than the taste or aroma of tobacco).

21 (4) "Tobacco product" means the products as defined in § 11-9-13.4.

22 **23-1-60. Flavored product sales' restrictions.**

23 (a) The sale or offer for sale of any flavored products to consumers within the state of
24 Rhode Island is hereby prohibited. Compassion centers and licensed cultivators registered with the
25 Rhode Island department of business regulations shall be exempt from this provision.

26 (b) Any electronic nicotine-delivery system or tobacco product found to be in violation of
27 this chapter shall be considered contraband and subject to the confiscation provisions outlined in §
28 44-20-15.

29 (c) Any dealer found to be selling or offering for sale an electronic nicotine-delivery system
30 or tobacco product in violation of this chapter shall be subject to the penalties outlined in §§ 23-1-
31 58, 44-20-35, 44-20-51, or 44-20-51.1.

32 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would prohibit the sale of certain flavored tobacco products and electronic
2 nicotine-delivery systems with the exemptions for compassion centers and licensed cultivators
3 registered with the Rhode Island department of business regulation.
4 This act would take effect upon passage.

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