

# State of South Dakota

EIGHTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2014

751V0151

SENATE STATE AFFAIRS

ENGROSSED NO. **SB 181** - 02/24/2014

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Senators Lederman, Curd, Jones (Chuck), Jones (Tom), Krebs, Rave, Tieszen, and Vehle and Representatives Stevens, Haggar (Jenna), Novstrup (David), Peterson, Qualm, Rasmussen, Romkema, Rozum, Solum, Tulson, Verchio, and Westra

1 FOR AN ACT ENTITLED, An Act to define vapor products as tobacco products for the  
2 purpose of regulating the use of the products by minors and to place certain restrictions on  
3 the sale of vapor products.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 34-46 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 For the purposes of §§ 34-46-2 to 34-46-6, inclusive, and this Act, the term, tobacco  
8 product, includes vapor product. The term, vapor product, means any noncombustible product  
9 containing nicotine that employs a heating element, power source, electronic circuit, or other  
10 electronic, chemical, or mechanical means, regardless of shape or size, that can be used to  
11 produce vapor from nicotine in a solution or other form. The term, vapor product, includes any  
12 electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or  
13 device and any vapor cartridge or other container of nicotine in a solution or other form that is



1 intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo,  
2 electronic pipe, or similar product or device. The term, vapor product, does not include any  
3 product approved by the United States Food and Drug Administration for sale as tobacco  
4 cessation products and marketed and sold solely for that purpose.

5 Section 2. That chapter 34-46 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 No person may sell a vapor product other than in an unopened package originating with the  
8 manufacturer and depicting the warning labels required by federal law, or sell a vapor product  
9 through self-service display other than a display that is:

- 10 (1) A vending machine permitted under subdivision 34-46-2(5); or
- 11 (2) Located in a tobacco specialty store.

12 A violation of this section is a Class 2 misdemeanor. A person is not liable for more than  
13 one violation of this section on a single day.