

HOUSE BILL 97

By Howell

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 15 and Title 39, Chapter 17, Part
16, relative to vapor products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1503(10), is amended by deleting the subdivision and substituting the following:

(10) "Vapor product":

(A) Means any noncombustible product containing nicotine or any other substance that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce or emit a visible or non-visible vapor;

(B) Includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product, and any vapor cartridge, any substance used to refill a vapor cartridge, or other container of a solution containing nicotine or any other substance that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product; and

(C) Does not include any product regulated under Chapter V of the Food, Drug, and Cosmetic Act (21 U.S.C. § 351 et seq.);

SECTION 2. Tennessee Code Annotated, Section 39-17-1603, is amended by adding the following language as a new subdivision:

() "Vapor product" has the same meaning as defined in § 39-17-1503;

SECTION 3. Tennessee Code Annotated, Section 39-17-1604, is amended by deleting the section and substituting the following:

Smoking or the use of vapor products is not permitted, and no person shall smoke or use vapor products, in the following places:

(1) Child care centers; provided, that the prohibition of this section does not apply to child care services provided in a private home. Adult staff members may be permitted to smoke or use vapor products in designated areas to which children are not allowed access. However, the child care center shall give written notification to the parent or legal guardian upon enrollment if the child care center has an indoor area designated for smoking or the use of vapor products;

(2) Any room or area in a community center while the room or area is being used for children's activities;

(3) Group care homes. Adults may smoke or use vapor products in any fully enclosed adult staff residential quarters contained within a group care home, but not in the presence of children who reside as clients in the group care home;

(4) Healthcare facilities, excluding nursing home facilities. Adult staff members may be permitted to smoke or use vapor products in designated areas to which children are not allowed access, and adults may be permitted to smoke or use vapor products outside the facility;

(5) Museums, except when used after normal operating hours for private functions not attended by children. Adult staff members may be permitted to smoke or use vapor products while at work in designated smoking areas to which children are not allowed access;

(6) All public and private kindergartens and elementary and secondary schools. Adult staff members may be permitted to smoke or use vapor products outdoors but not within one hundred feet (100') of any entrance to any building. Adults may also smoke or use vapor products in any fully enclosed adult staff residential quarters but not in the presence of children attending the school;

(7) Residential treatment facilities for children and youth. Adult staff members may be permitted to smoke or use vapor products in designated areas to which children are not allowed access;

(8) Youth development centers and facilities. Adult staff members may be permitted to smoke or use vapor products in designated areas to which children are not allowed access;

(9) Zoos. Adult staff members may be permitted to smoke or use vapor products in designated areas to which children are not allowed access; and

(10) School grounds, including any public seating areas, such as bleachers used for sporting events, or public restrooms.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.