

HOUSE BILL 1461

By McDaniel

AN ACT to amend Tennessee Code Annotated, Section 4-4-121; Section 39-17-1802; Section 39-17-1603; Section 49-7-135; Section 62-38-203 and Section 67-4-1001, relative to vapor products.

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

SECTION 1. Tennessee Code Annotated, Section 4-4-121, is amended by adding the following language as a new, appropriately designated subsection:

(c) For purposes of this section, “smoking” does not include the creation of vapor from the use of a vapor product as defined in § 67-4-1001.

SECTION 2. Tennessee Code Annotated, Section 39-17-1603(9), is amended by deleting the subdivision and substituting instead the following:

(9) “Smoking”:

(A) Means the burning of a lighted cigarette, cigar, pipe or any other substance containing tobacco; and

(B) Does not include the creation of vapor from the use of a vapor product as defined in § 67-4-1001;

SECTION 3. Tennessee Code Annotated, Section 39-17-1802(16), is amended by deleting the subdivision and substituting instead the following:

(16) “Smoking”:

(A) Means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted tobacco product in any manner or in any form; and

(B) Does not include the creation of vapor from the use of a vapor product as defined in § 67-4-1001;

SECTION 4. Tennessee Code Annotated, Section 49-7-135, is amended by adding the following language as a new, appropriately designated subsection:

(c) For purposes of this section, “smoking” does not include the creation of vapor from the use of a vapor product as defined in § 67-4-1001.

SECTION 5. Tennessee Code Annotated, Section 62-38-203(b), is amended by deleting the language “No smoking or eating shall take place in the tattoo work area.” and substituting instead the language “No smoking or eating shall take place in the tattoo work area; provided, “smoking” does not include the creation of vapor from the use of a vapor product as defined in § 67-4-1001.”.

SECTION 6. Tennessee Code Annotated, Section 67-4-1001(23), is amended by deleting the subdivision and substituting instead the following:

(23) “Tobacco products”:

(A) Means cigars, cigarettes, manufactured tobacco, and snuff; and

(B) Does not mean:

(i) Tobacco produced and processed by the grower for the grower's own use and not for sale; and

(ii) Vapor products.

SECTION 7. Tennessee Code Annotated, Section 67-4-1001, is amended by adding the following language as a new, appropriately designated subdivision:

() “Vapor product”:

(A) Means any non-combustible tobacco-derived product containing nicotine, such as an electronic cigarette, that employs a mechanical heating element, battery, or electronic circuit, regardless of shape or size, that can be used to heat a liquid nicotine solution contained in a vapor cartridge as well as any vapor cartridges containing liquid nicotine solution that can be used with or in a vapor product; and

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

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.