

SENATE BILL 2202

By Johnson

AN ACT to amend Tennessee Code Annotated, Section 1-3-113; Title 39, Chapter 15 and Title 39, Chapter 17, relative to access to tobacco, smoking hemp, and vapor products.

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

SECTION 1. Tennessee Code Annotated, Section 1-3-113(a), is amended by deleting the language "alcoholic beverages" and substituting instead "any tobacco, smoking hemp, or vapor products as those terms are defined in title 39 or alcoholic beverages".

SECTION 2. Tennessee Code Annotated, Section 1-3-113(b), is amended by deleting the language "alcoholic beverages" wherever it appears and substituting instead "tobacco, smoking hemp, or vapor products, alcoholic beverages".

SECTION 3. Tennessee Code Annotated, Section 39-15-407(3), is amended by deleting the language "alcoholic beverages" and substituting instead "alcoholic beverages or smoking material".

SECTION 4. Tennessee Code Annotated, Section 39-15-407(5), is amended by adding the language ", as well as any noncombustible product containing nicotine or any other substance intended for use in a vapor product as defined in § 39-17-1503" before the semicolon.

SECTION 5. Tennessee Code Annotated, Section 39-15-407(6), is amended by deleting the language "water pipe" and substituting instead "water pipe, vapor product as defined in § 39-17-1503,".

SECTION 6. Tennessee Code Annotated, Section 39-15-413(a)(1), is amended by deleting the subdivision and substituting instead the following:

(1) It is not a violation of §§ 39-15-404, 39-15-410, 39-17-401 – 39-17-427, 39-17-602, 39-17-603, 39-17-901 – 39-17-908, 39-17-911, 39-17-914, 39-17-918, 39-17-1003 – 39-17-1005, 39-17-1501 – 39-17-1508, or any other offense providing a prohibition for use of or sales to a minor or person under twenty-one (21) years of age, for a law enforcement officer to use or send a person under twenty-one (21) years of age to purchase smoking material, smoking paraphernalia, any smokeless tobacco product, alcohol, or illegal drugs, or to send a minor to purchase a state lottery ticket or share or any other prohibited material, for the purpose of aiding in the enforcement of laws prohibiting sales to or use of minors or persons under twenty-one (21) years of age so long as the law enforcement officer has obtained the prior written approval of the minor's parent or legal guardian or the person under twenty-one (21) years of age if that person is not a minor.

SECTION 7. Tennessee Code Annotated, Section 39-15-413(a)(2), is amended by deleting the language "alcohol or beer," and substituting instead "alcohol, beer, tobacco products, smokeless tobacco, or smoking material or paraphernalia,".

SECTION 8. Tennessee Code Annotated, Section 39-15-413(c), is amended by deleting the language "alcohol or beer," and substituting instead "alcohol, beer, tobacco products, smokeless tobacco, or smoking material or paraphernalia,".

SECTION 9. Tennessee Code Annotated, Title 39, Chapter 17, Part 15, is amended by deleting the language "eighteen (18) years of age" wherever it appears and substituting instead "twenty-one (21) years of age".

SECTION 10. Tennessee Code Annotated, Section 39-17-1504(b), is amended by deleting the last sentence and substituting instead the following:

This section and § 39-17-1505 do not preclude law enforcement efforts involving:

- (1) The use of a minor if the minor's parent or legal guardian has consented to this action; or

(2) The use of an individual under twenty-one (21) years of age who is not a minor if the individual has consented to this action.

SECTION 11. Tennessee Code Annotated, Section 39-17-1504(d), is amended by deleting the language "twenty-seven (27)" and substituting instead "thirty (30)".

SECTION 12. Tennessee Code Annotated, Section 39-17-1505, is amended by deleting subsections (c) and (d) and substituting instead the following:

(c) A violation of this section is a civil offense, for which the general sessions or juvenile court may, in its discretion, impose a civil penalty of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), which may be charged against a person who is at least eighteen (18) years of age but less than twenty-one (21) years of age, or, in the case of a minor, against a parent, guardian, or custodian. The general sessions or juvenile court may, in its discretion, also impose community service work not to exceed fifty (50) hours or successful completion of a prescribed court program for a second or subsequent violation within a one-year period.

(d) A person who has not attained twenty-one (21) years of age and who is cooperating with law enforcement officers in an operation designed to test the compliance of other persons with this part is not subject to sanctions under this section.

SECTION 13. Tennessee Code Annotated, Section 39-17-1506(a), is amended by deleting the subsection and substituting instead the following:

Every person who sells tobacco, smoking hemp, or vapor products at retail shall post conspicuously and keep so posted at the place of business a sign, no smaller than ninety-three and one-half (93 1/2) square inches, to ensure that it is likely to be read at each point of sale, stating the following:

STATE LAW STRICTLY PROHIBITS THE SALE OF TOBACCO PRODUCTS,
VAPOR PRODUCTS, OR SMOKING PARAPHERNALIA TO PERSONS UNDER
THE AGE OF TWENTY-ONE (21) YEARS
PROOF OF AGE MAY BE REQUIRED

SECTION 14. Tennessee Code Annotated, Section 39-17-1506(b), is amended by deleting the language "tobacco products" wherever it appears and substituting instead the language "tobacco, smoking hemp, or vapor products".

SECTION 15. Tennessee Code Annotated, Section 39-17-1507(a), is amended by deleting the language "tobacco or smoking hemp" and substituting instead "tobacco, smoking hemp, or vapor".

SECTION 16. Tennessee Code Annotated, Section 39-17-1507(b), is amended by deleting the language "twenty-seven (27)" and substituting instead "thirty (30)".

SECTION 17. Tennessee Code Annotated, Section 39-17-1509(a), is amended by deleting the language "tobacco or smoking hemp" wherever it appears and substituting instead "tobacco, smoking hemp, or vapor".

SECTION 18. Tennessee Code Annotated, Section 39-17-1509(d), is amended by deleting the language "tobacco or smoking hemp" and substituting instead "tobacco, smoking hemp, or vapor".

SECTION 19. Tennessee Code Annotated, Section 39-17-1509(e)(1), is amended by deleting the language "tobacco and smoking hemp" wherever it appears and substituting instead "tobacco, smoking hemp, or vapor".

SECTION 20. Tennessee Code Annotated, Section 39-17-1509(e)(1), is amended by deleting the language "twenty-six (26)" and substituting instead "twenty-nine (29)".

SECTION 21. Tennessee Code Annotated, Section 39-17-1511(a)(3), is amended by adding the following as a new subdivision:

() Vapor products;

SECTION 22. Tennessee Code Annotated, Section 39-17-1804(9), is amended by deleting the language "minors" and substituting instead "persons under twenty-one (21) years of age".

SECTION 23. This act shall take effect January 1, 2021, the public welfare requiring it.