

ENROLLED ACT NO. 54, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

AN ACT relating to nicotine products; requiring age verification for remote sales of nicotine products; specifying shipping requirements for nicotine products; modifying definitions related to nicotine products; providing penalties; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 14-3-309 is created to read:

**14-3-309. Regulation of mail order and internet purchases and sales; proof of age; penalties.**

(a) No person shall sell at retail or wholesale any nicotine product through the internet or any other remote sales method to any person in this state, other than a vendor licensed under W.S. 39-15-106, unless the seller performs an age verification on the purchaser through an independent third party age verification service. The age verification service utilized shall compare information available from public records to the personal information entered by the purchaser during the ordering process to establish that the purchaser is twenty-one (21) years of age or older.

(b) No person shall sell at retail or wholesale any nicotine product through the internet or any other remote sales method to any person in this state, other than a vendor licensed under W.S. 39-15-106, unless the seller uses a method of mailing or shipping that, upon delivery, requires the signature of a person at least twenty-one (21) years of age before the nicotine product will be released for delivery.

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(c) The provisions of subsections (a) and (b) of this section shall not apply if the seller employs one (1) of the following protections to ensure age verification:

(i) The purchaser is required to create an online profile or account with personal information verifying that the purchaser is at least twenty-one (21) years of age including, but not limited to, the purchaser's name, address and a valid phone number, if that personal information is verified by the seller through publicly available records and delivery is made to the same name and address; or

(ii) The purchaser is required to upload a copy of the purchaser's government issued identification and a current photograph of the purchaser verifying that the purchaser is at least twenty-one (21) years of age and delivery is made to the same name on the identification provided.

(d) Any person violating subsection (a) or (b) of this section is guilty of a misdemeanor punishable as provided in W.S. 14-3-302(b).

**Section 2.** W.S. 14-3-301(a)(i), (v) and by creating new paragraphs (vi) and (vii) and 14-3-302(b)(intro) are amended to read:

**14-3-301. Definitions.**

(a) As used in this article:

(i) "Tobacco products" means any substance containing tobacco leaf, or any product made or derived from tobacco that contains nicotine~~r~~ including, but not

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limited to, cigarettes, ~~electronic cigarettes,~~ cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco;

(v) "Electronic cigarette" means ~~a product that employs any mechanical heating element, battery or electronic circuit, regardless of shape or size, that can be used to deliver doses of nicotine vapor by means of heating a liquid nicotine solution contained in a cartridge or other delivery system.~~ any device that can be used to deliver aerosolized or vaporized nicotine or synthetic nicotine material to the person using the device and includes any component, part and accessory of the device and any vapor material intended to be aerosolized or vaporized during the use of the device. "Electronic cigarette" includes, without limitation, any electronic cigar, electronic cigarillo, electronic pipe, electronic hooka, vapor pen and any similar product or device. "Electronic cigarette" does not include a battery or battery charger if sold separately from the electronic cigarette and does not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act;

(vi) "Nicotine products" means tobacco products and electronic cigarettes;

(vii) "Vapor material" means any liquid solution or other material containing nicotine or synthetic nicotine that is depleted as an electronic cigarette is used. "Vapor material" includes liquid solution or other material containing nicotine that is sold with or inside an electronic cigarette.

**14-3-302. Prohibited sales or delivery.**

ORIGINAL SENATE  
FILE NO. SF0042

ENGROSSED

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(b) Any individual violating W.S. 14-3-309 or subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not more than:

**Section 3.** This act is effective July 1, 2020.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk