

Committee on Regulated Industries

CS/CS/SB 224 — Nicotine Dispensing Devices

by Appropriations Committee; Regulated Industries Committee; and Senators Benacquisto, Latvala, Sobel, Flores, Gibson, Bradley, Dean, and Braynon

The bill extends the current prohibitions related to tobacco products to prohibit the sale, gifting, possession, or use of nicotine dispensing devices and nicotine products, which include electronic cigarettes (e-cigarettes), to and by persons under the age of 18.

The bill defines “nicotine dispensing devices” as any product that employs an electronic, chemical, or mechanical means to produce vapor from a nicotine product, including, but not limited to, an electronic cigarette, any similar device or product, any replacement cartridge, and any container of nicotine in a solution or other form for such devices or products.

The bill defines a “nicotine product” as any product that contains nicotine, including liquid nicotine, that is intended for human consumption, whether inhaled, chewed, absorbed, dissolved or ingested by any means. The definition does not include a tobacco product under Florida law, a drug or device under Federal Law, or a product that contains incidental nicotine.

The bill provides that the sale or giving of “nicotine products” and “nicotine dispensing devices” to minors under the age of 18 is prohibited and punishable as a second degree misdemeanor, which is punishable by a term of imprisonment not exceeding 60 days and a fine not to exceed \$500. The bill provides defenses, including a defense based on the appearance of the underage person and whether the underage person falsely misrepresented his or her age. The bill provides signage requirements for dealers of “nicotine products” and “nicotine dispensing devices.”

The bill creates a noncriminal violation for persons under 18 years who possess, purchase, or misrepresent their age or military service to obtain “nicotine products” or “nicotine dispensing devices.” It provides a penalty of 16 hours of community service or a \$25 fine for a first violation, and attendance at a school-approved anti-tobacco and nicotine program, if available. A second violation within 12 weeks of the first violation requires a \$25 fine. A third violation within 12 weeks of the first violation requires the suspension or revocation of the person’s driver license, as provided in s. 322.056, F.S. It provides the procedural process for minors cited for committing a non-criminal infraction under this bill. These penalties are the same as the current penalties for possession of tobacco products.

The bill prohibits the sale or delivery of nicotine products or nicotine dispensing devices by means of self-service merchandising except when such products are under the direct control, or line of sight where effective control may be reasonably maintained by the retailer or their agent or employee.

If approved by the Governor, these provisions take effect July 1, 2014.

Vote: Senate 37-0; House 117-0