

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Regulated Industries

[2014s0224.hms]

BILL: CS/CS/SB 224, 1st Eng.

INTRODUCER: Appropriations Committee, Regulated Industries Committee, and Senators Benacquisto, Latvala, Sobel, Flores, Gibson, Bradley, Dean, and Braynon

SUBJECT: Nicotine Dispensing Devices

DATE: April 23, 2014

I. Amendments Contained in Message:

House Amendment 1 – 626167 (body and title)

II. Summary of Amendments Contained in Message:

House Amendment 1 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 amendment redefines “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 amendment 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. It provides defenses, including a defense based on the appearance of the underage person and whether the underage person falsely misrepresented their age.

It provides signage requirements for dealers of “nicotine products” and “nicotine dispensing devices.”

The amendment creates a noncriminal violation for persons under 18 years to possess, purchase, or misrepresent their age or military service to obtain “nicotine products” or “nicotine dispensing devices” in certain circumstances with a \$25 fine for a first violation, \$25 fine for a second violation within 12 weeks of the first violation, and the suspension or revocation of the person’s driver license, as provided in s. 322.056, F.S., for a third violation within 12 weeks of the first violation.

The amendment 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.

The amendment creates the prohibitions in the bill in ch. 877, F.S., which relates to miscellaneous crimes, instead of ch. 569, F.S., which relates to tobacco products.