A bill to be entitled
An act relating to nicotine and tobacco products;
amending s. 569.002, F.S.; defining the term
“electronic smoking device”; redefining the term
“tobacco products”; amending s. 569.007, F.S.;
revising exemptions to the prohibition of the sale or
delivery of tobacco products; deleting a provision
that allows the sale or delivery of tobacco products
from a vending machine equipped with a certain device;
requiring a dealer or the agent of a dealer to require
proof of age of a purchaser of a tobacco product;
creating s. 569.0071, F.S.; defining the term
“flavored e-liquid”; prohibiting a dealer from selling
flavored e-liquid; providing that certain statements
and claims are presumptive evidence that e-liquid is
flavored e-liquid; repealing s. 877.112, F.S.,
relating to nicotine products and nicotine dispensing
devices; amending s. 569.14, F.S.; conforming
provisions to changes made by the act; providing an
effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Present subsections (3) through (7) of section
569.002, Florida Statutes, are redesignated as subsections (4)
through (8), respectively, a new subsection (3) is added to that
section, and present subsection (6) of that section is amended,
to read:

569.002 Definitions.—As used in this chapter, the term:
(3) "Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance to a person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. The term includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device whether or not the substance contains nicotine.

The term does not include any drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

(7)(6) "Tobacco products" means any products containing, made from, or derived from tobacco or nicotine which are intended for human consumption or are likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, pipe tobacco, hookah and waterpipe tobacco, e-liquid, dissolvable tobacco, nicotine gel, smokeless tobacco, roll-your-own tobacco, chewing tobacco, snuff, or snus.

(a) The term includes any component or accessory used in the consumption of a tobacco product whether or not the component or accessory contains tobacco or nicotine, including, but not limited to, electronic smoking devices, filters, rolling papers, blunt or hemp wraps, hookahs, and pipes.

(b) The term does not include any drugs, devices, or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act includes loose tobacco.
leaves, and products made from tobacco leaves, in whole or in
part, and cigarette wrappers, which can be used for smoking,
sniffing, or chewing.

Section 2. Subsections (1), (2), and (4) of section
569.007, Florida Statutes, are amended to read:

569.007 Sale or delivery of tobacco products;
restrictions.—

(1) In order to prevent persons under 18 years of age from
purchasing or receiving tobacco products, the sale or delivery
of tobacco products is prohibited, except:

(a) When under the direct control or line of sight of the
dealer or the dealer’s agent or employee; and

(b) In a direct, face-to-face exchange with the dealer or
the dealer’s agent or employee Sales from a vending machine are
prohibited under the provisions of paragraph (1)(a) and are only
permissible from a machine that is equipped with an operational
lockout device which is under the control of the dealer or the
dealer’s agent or employee who directly regulates the sale of
items through the machine by triggering the lockout device to
allow the dispensing of one tobacco product. The lockout device
must include a mechanism to prevent the machine from functioning
if the power source for the lockout device fails or if the
lockout device is disabled, and a mechanism to ensure that only
one tobacco product is dispensed at a time.

(2) The provisions of Subsection (1) shall not apply
to an establishment that prohibits persons under 18 years of age
on the licensed premises.

(5)(4) A dealer or a dealer’s agent or employee may
require proof of age of a purchaser of a tobacco product before
Section 3. Section 569.0071, Florida Statutes, is created to read:

569.0071 Sale of flavored e-liquid prohibited.—

(1) As used in this section, the term “flavored e-liquid” means any e-liquid that contains a taste or smell, other than the taste or smell of tobacco, which is distinguishable by an ordinary consumer either prior to or during the consumption of the e-liquid, including, but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, dessert, alcoholic beverage, herb, or spice.

(2) A dealer may not sell any flavored e-liquid.

(3) A public statement or claim concerning e-liquid is presumptive evidence that the e-liquid is flavored e-liquid if the statement or claim:

(a) Is made or disseminated by the manufacturer of the e-liquid or by any person authorized or allowed by the manufacturer to make or disseminate public statements concerning the manufacturer’s tobacco products; and

(b) States or claims that the e-liquid has or produces a taste or smell other than tobacco.

Section 4. Section 877.112, Florida Statutes, is repealed.

Section 5. Subsections (2) and (3) of section 569.14, Florida Statutes, are amended to read:

569.14 Posting of a sign stating that the sale of tobacco products to persons under 18 years of age is unlawful; enforcement; penalty.—

(2) A dealer that sells tobacco products and nicotine
products or nicotine dispensing devices, as defined in s. 877.112, may use a sign that substantially states the following:

THE SALE OF TOBACCO PRODUCTS, NICOTINE PRODUCTS, OR NICOTINE DISPENSING DEVICES TO PERSONS UNDER THE AGE OF 18 IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED FOR PURCHASE.

A dealer that uses a sign as described in this subsection meets the signage requirements of subsection (1) and s. 877.112.

(2)(3) The division shall make available to dealers of tobacco products signs that meet the requirements of subsection (1) or subsection (2).

Section 6. This act shall take effect July 1, 2020.