

Committee on Regulated Industries

CS/CS/SB 1080 — Tobacco and Nicotine Products

by Health Policy Committee; Regulated Industries Committee; and Senator Hutson

The bill revises the regulation of the retail sale of tobacco products and nicotine products. The bill:

- Increases the minimum age to lawfully purchase and possess tobacco products and nicotine products from 18 years of age to 21 years of age. However, the bill keeps the exemption in current law for underage persons in the military and persons acting in the scope of lawful employment.
- Creates a new part of ch. 569, F.S., to regulate the sale of, and create a separate licensing structure for, the retail sale of “nicotine dispensing devices” and nicotine products. Under the bill, nicotine products and “nicotine dispensing devices” are not classified as tobacco products.
- Regulates tobacco products under ch. 569, part I, F.S., which consists of the current-law provisions.
- Regulates nicotine products under ch. 569, part II, F.S., which includes the requirements in current law for the sale of nicotine products, including applicable penalties for the illegal possession or sale, and provides additional provisions for the regulation of nicotine product sales that are the same as currently apply to the regulation of tobacco product sales.
- Requires retail dealers of nicotine products to have a permit issued by the Division of Alcoholic Beverages and Tobacco, but does not require a fee for the permit. However, the holder of a retail tobacco products dealer permit may sell nicotine products without an additional permit.
- Requires applicants for a retail tobacco products dealer permit and a retail nicotine products dealer permit to be at least 21 years of age.
- Preempts to the state the establishment of a minimum age for purchasing or possessing tobacco or nicotine products as well as regulation of the marketing, sale, or delivery of tobacco or nicotine products.
- Prohibits smoking and vaping by any person under 21 years of age on or near school property. (Current law applies the prohibition to persons under 18 years of age).
- Requires age verification before a sale or delivery of tobacco products and nicotine products to persons who appear to be under 30 years of age.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 29-9; House 103-13