

By Senator DiCeglie

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A bill to be entitled
An act relating to heated tobacco products; amending
s. 210.01, F.S.; revising the definition of the term
"cigarette"; amending s. 210.095, F.S.; revising the
definition of the term "tobacco products"; renaming
part II of ch. 210, F.S., entitled "Tax on Tobacco
Products other than Cigarettes or Cigars," as "Tax on
Tobacco Products other than Cigarettes, Heated Tobacco
Products, or Cigars"; amending s. 210.25, F.S.;
defining the term "heated tobacco product"; conforming
a provision to changes made by the act; amending s.
569.002, F.S.; revising the definition of the term
"tobacco products"; amending s. 951.22, F.S.;
conforming a cross-reference; reenacting s. 569.31(5),
F.S., relating to definitions, to incorporate the
amendment made to s. 569.002, F.S., in a reference
thereto; providing an effective date.

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

Section 1. Subsection (1) of section 210.01, Florida
Statutes, is amended to read:

210.01 Definitions.—When used in this part the following
words shall have the meaning herein indicated:

(1) "Cigarette" means any roll for smoking, except one of
which the tobacco is fully naturally fermented, without regard
to the kind of tobacco or other substances used in the inner
roll or the nature or composition of the material in which the
roll is wrapped, which is made wholly or in part of tobacco

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irrespective of size or shape and whether such tobacco is flavored, adulterated or mixed with any other ingredient. The term does not include a heated tobacco product as defined by s. 210.25.

Section 2. Paragraph (i) of subsection (1) of section 210.095, Florida Statutes, is amended to read:

210.095 Mail order, Internet, and remote sales of tobacco products; age verification.—

(1) For purposes of this section, the term:

(i) "Tobacco products" means all cigarettes, smoking tobacco, snuff, fine-cut chewing tobacco, cut and granulated tobacco, cavendish, ~~and~~ plug or twist tobacco, and heated tobacco products as defined in s. 210.25.

Section 3. Part II of chapter 210, Florida Statutes, entitled "Tax on Tobacco Products other than Cigarettes or Cigars," is renamed "Tax on Tobacco Products other than Cigarettes, Heated Tobacco Products, or Cigars."

Section 4. Present subsections (6) through (14) of section 210.25, Florida Statutes, are redesignated as subsections (7) through (15), respectively, a new subsection (6) is added to that section, and present subsection (12) of that section is amended, to read:

210.25 Definitions.—As used in this part:

(6) "Heated tobacco product" means a product containing tobacco designed for use in an electronic device with a heat source that does not involve any form of burning or combustion during ordinary conditions of use and which produces an inhalable aerosol by heating the tobacco but does not produce any smoke.

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(13)~~(12)~~ "Tobacco products" means loose tobacco suitable for smoking; snuff; snuff flour; cavendish; plug and twist tobacco; fine cuts and other chewing tobaccos; shorts; refuse scraps; clippings, cuttings, and sweepings of tobacco, and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing; but "tobacco products" does not include cigarettes, as defined by s. 210.01(1), heated tobacco products, or cigars.

Section 5. Subsection (8) of section 569.002, Florida Statutes, is amended to read:

569.002 Definitions.—As used in this part, the term:

(8) "Tobacco products" 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, and heated tobacco products as defined in s. 210.25.

Section 6. Paragraph (d) of subsection (1) of section 951.22, Florida Statutes, is amended to read:

951.22 County detention facilities; contraband articles.—

(1) It is unlawful, except through regular channels as duly authorized by the sheriff or officer in charge, to introduce into or possess upon the grounds of any county detention facility as defined in s. 951.23 or to give to or receive from any inmate of any such facility wherever said inmate is located at the time or to take or to attempt to take or send therefrom any of the following articles, which are contraband:

(d) Any tobacco products as defined in s. 210.25 ~~s.~~ 210.25~~(12)~~.

Section 7. For the purpose of incorporating the amendment made by this act to section 569.002, Florida Statutes, in a

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reference thereto, subsection (5) of section 569.31, Florida Statutes, is reenacted to read:

569.31 Definitions.—As used in this part, the term:

(5) "Nicotine product" means any product that contains nicotine, including liquid nicotine, which is intended for human consumption, whether inhaled, chewed, absorbed, dissolved, or ingested by any means. The term also includes any nicotine dispensing device. The term does not include a:

(a) Tobacco product, as defined in s. 569.002;

(b) Product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act; or

(c) Product that contains incidental nicotine.

Section 8. This act shall take effect July 1, 2026.