

By: Representative Smith (39th)

To: Judiciary A

HOUSE BILL NO. 613

1 AN ACT TO PROHIBIT THE DISTRIBUTION OF ALTERNATIVE NICOTINE
2 PRODUCTS TO MINORS; TO DEFINE CERTAIN TERMS; TO PROVIDE PENALTIES
3 FOR VIOLATIONS; TO REQUIRE AGE VERIFICATION; AND FOR RELATED
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** (1) For the purposes of this section:

7 (a) (i) "Alternative nicotine product" means:

8 1. An electronic cigarette; or

9 2. Any other product that consists of or

10 contains nicotine that can be ingested into the body by chewing,
11 smoking, absorbing, dissolving, inhaling or by any other means.

12 (ii) Alternative nicotine product does not
13 include:

14 1. A cigarette or other tobacco product as
15 defined in Section 97-32-3;

16 2. A product that is a drug under 21 USCS
17 321(g) (1);

18 3. A product that is a device under 21 USCS
19 321(h); or



20 4. A combination product described in 21 USCS
21 353(g).

22 (b) (i) "Electronic cigarette" means an electronic
23 product or device that produces a vapor that delivers nicotine or
24 other substances to the person inhaling from the device to
25 simulate smoking, and is likely to be offered to, or purchased by,
26 consumers as an electronic cigarette, electronic cigar, electronic
27 cigarillo or electronic pipe.

28 (ii) Electronic cigarette does not include:

29 1. A cigarette or other tobacco products as
30 defined in Section 97-32-3;

31 2. A product that is a drug under 21 USCS
32 321(g) (1);

33 3. A product that is a device under 21 USCS
34 321(h); or

35 4. A combination product described in 21 USCS
36 353(g).

37 (2) No person, either directly or indirectly by an agent or
38 employee, or by a vending machine owned by the person or located
39 in the person's establishment, shall sell, offer for sale, give or
40 furnish any alternative nicotine product, or any cartridge or
41 component of an alternative nicotine product, to an individual
42 under eighteen (18) years of age. A violation of this subsection
43 is punishable as follows:



44 (a) By a fine of Fifty Dollars (\$50.00) for a first
45 offense;

46 (b) By a fine of Seventy-Five Dollars (\$75.00) for a
47 second offense; and

48 (c) By a fine of One Hundred Dollars (\$100.00) for a
49 third or subsequent offense.

50 (3) Before selling, offering for sale, giving or furnishing
51 an alternative nicotine product, or any cartridge or component of
52 an alternative nicotine product to an individual, a person shall
53 verify that the individual is at least eighteen (18) years of age
54 by:

55 (a) Examining from any individual that appears to be
56 under twenty-seven (27) years of age a government-issued
57 photographic identification that establishes the individual is at
58 least eighteen (18) years of age; or

59 (b) For sales made through the Internet or other remote
60 sales methods, performing an age verification through an
61 independent, third-party age verification service that compares
62 information available from public records to the personal
63 information entered by the individual during the ordering process
64 that establishes the individual is eighteen (18) years of age or
65 older.

66 **SECTION 2.** This act shall take effect and be in force from
67 and after July 1, 2013.

