SB95

WRUPEE5-2

By Senators Figures, Kelley, Coleman, Stewart, Jones, Smitherman, Carnley, Kitchens, Waggoner, Hovey, Williams, Butler, Allen, Price, Chesteen, Albritton, Stutts, Sessions, Weaver, Givhan, Bell, Elliott, Livingston, Reed, Barfoot, Gudger, Melson, Shelnutt, Beasley, Chambliss, Coleman-Madison, Singleton, Hatcher, Orr, Roberts

RFD: Judiciary

First Read: 13-Feb-24

A BILL

TO BE ENTITLED

AN ACT

Relating to vaping devices; to amend Section 28-11-13, Code of Alabama 1975, to further provide prohibitions on the possession of an electronic nicotine delivery system by individuals under 21 years of age; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 28-11-13, Code of Alabama 1975, is amended to read as follows:

"§28-11-13

(a)(1) It is unlawful for any individual under ~~the age of~~ 21 years of age to purchase, use, possess, or transport tobacco, a tobacco product, an electronic nicotine delivery system or other electronic battery-powered device capable of being used to deliver any e-liquid, e-liquid substitute, tobacco, CBD oil, THC oil, herbal extract, or nicotine salt, or any analog thereof, or any other substance to the individual through the inhalation of vapor, or an alternative

nicotine product within this state.

(2) For purposes of this subsection, a violation is committed upon mere possession of an electronic nicotine delivery system or other electronic battery-powered device as described in subdivision (1), irrespective of which particular e-liquid or other substance, if any, was contained or otherwise used in the device.

(b) It shall not be unlawful for an individual under ~~the age of~~ 21 years of age who is an employee of a tobacco, tobacco product, electronic nicotine delivery system, or alternative nicotine product permit holder to handle, transport, or sell tobacco, a tobacco product, an electronic nicotine delivery system, or an alternative tobacco product if the employee is acting within the line and scope of employment and the permit holder, or an employee of the permit holder who is 21 years of age or older, is present.

~~(b)~~(c) It is unlawful for any individual under ~~the age of~~ 21 years of age to present or offer to another person proof of identification ~~which~~that is false, fraudulent, or not actually his or her own proof of identification in order to buy, receive, or otherwise obtain, or attempt to buy, receive, or otherwise obtain, any tobacco, tobacco product, electronic nicotine delivery system, or alternative nicotine product.

~~(c)~~(d) If a minor is cited for any violation under this section, the citing agency shall make reasonable efforts to notify a parent, legal guardian, or legal custodian of the minor unless the minor has been emancipated by court order or operation of law.

(e) Nothing in this section shall apply to devices used to deliver medication prescribed or ordered by a physician licensed to practice medicine in this state."

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Section 111.05 of the Constitution of Alabama of 2022, because the bill defines a new crime or amends the definition of an existing crime.

Section 3. This act shall become effective on October 1, 2024.

Senate

Read for the first time and referred 13-Feb-24
to the Senate committee on Judiciary

Read for the second time and placed 28-Feb-24
on the calendar:
1 amendment

Read for the third time and passed 05-Mar-24
as amended
Yeas 31
Nays 0
Abstains 0

Patrick Harris,
Secretary.