

SENATE BILL 910

By Overbey

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 15 and Title 39, Chapter 17, Part
1, relative to electronic cigarettes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1503, is amended by adding the following language as a new, appropriately designated subdivision:

() "Electronic cigarette" or "E-cigarette" means a battery-operated device that contains cartridges filled with nicotine, flavor and other chemicals that are turned into vapor which is inhaled by the user;

SECTION 2. Tennessee Code Annotated, Section 39-17-1504(a), is amended by inserting the language "or electronic cigarette" immediately after the language "tobacco product" wherever it appears.

SECTION 3. Tennessee Code Annotated, Section 39-17-1504(b), is amended by inserting the language "or electronic cigarette" immediately after the language "tobacco product" in the first sentence thereof.

SECTION 4. Tennessee Code Annotated, Section 39-17-1504(c), is amended by deleting the language "tobacco product samples" and by substituting instead the language "tobacco product or electronic cigarette samples".

SECTION 5. Tennessee Code Annotated, Section 39-17-1504(d), is amended by inserting the language "or electronic cigarette" immediately after the language "tobacco product" and by inserting the language "or electronic cigarettes" immediately after the language "tobacco products" wherever it appears.

SECTION 6. Tennessee Code Annotated, Section 39-17-1505(a), is amended by inserting the language "or electronic cigarette" immediately after the language "tobacco product" wherever it appears.

SECTION 7. Tennessee Code Annotated, Section 39-17-1505(b), is amended by inserting the language "or electronic cigarette" immediately after the language "tobacco product."

SECTION 8. Tennessee Code Annotated, Section 39-17-1505(c), is amended by inserting the language "or electronic cigarette" immediately after the language "tobacco product."

SECTION 9. Tennessee Code Annotated, Section 39-17-1505(f)(1), is amended by inserting the language "or electronic cigarettes" immediately after the language "tobacco products."

SECTION 10. Tennessee Code Annotated, Section 39-17-1506(a), is amended by inserting the language "or electronic cigarettes" immediately after the language "tobacco products."

SECTION 11. Tennessee Code Annotated, Section 39-17-1506(a), is further amended by inserting the language ", ELECTRONIC CIGARETTES" between the language "TOBACCO PRODUCTS" and the language "OR SMOKING PARAPHERNALIA."

SECTION 12. Tennessee Code Annotated, Section 39-17-1506(b), is amended by inserting the language "or electronic cigarettes" immediately after the language "tobacco products" wherever it appears.

SECTION 13. Tennessee Code Annotated, Section 39-17-1507(a), is amended by inserting the language "or electronic cigarettes" immediately after the language "tobacco products."

SECTION 14. Tennessee Code Annotated, Section 39-17-1509(a), is amended by inserting the language "or electronic cigarettes" immediately after the language "tobacco products" wherever it appears.

SECTION 15. Tennessee Code Annotated, Section 39-17-1509(c), is amended by inserting the language "or electronic cigarettes" immediately after the language "tobacco products" wherever it appears.

SECTION 16. Tennessee Code Annotated, Section 39-17-1509(d), is amended by inserting the language "or electronic cigarettes" immediately after the language "tobacco products" wherever it appears.

SECTION 17. Tennessee Code Annotated, Section 39-17-1509(e)(1), is amended by inserting the language "or electronic cigarettes" immediately after the language "tobacco products" wherever it appears.

SECTION 18. Tennessee Code Annotated, Title 39, Chapter 17, Part 1, is amended by adding the following language as a new, appropriately designated section:

39-17-1__.

(a) It is an offense to distribute or sell any product or device containing or delivering nicotine intended or expected for human consumption that is not a tobacco product, as defined in § 39-17-1503, unless such product or device has been approved by the United States food and drug administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and is being marketed and sold solely for that approved purpose.

(b) A violation of subsection (a) is a Class B misdemeanor. Each day a violation occurs constitutes a separate offense.

(c) In addition to the penalties prescribed in subsection (b), the district attorney general for the county in which the violation occurred may apply for an order compelling

compliance with this section. In any such proceeding, the court may impose a civil penalty in an amount not to exceed ten thousand dollars (\$10,000) for each violation.

SECTION 19. This act shall take effect July 1, 2011, the public welfare requiring it.