

Amendment 2 to Council Bill 28-2015

BY: Jon Weinstein

Legislative Day No: 9

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Amendment No. 2

1 (This amendment would change the definitions of “Electronic Smoking Device”, “Retail
2 Tobacco Store”, “Smoking”, and “Tobacco product”).
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6 On page 3, strike lines 1 through 3, and substitute the following:

7 “(B) ELECTRONIC SMOKING DEVICE MEANS ANY PRODUCT CONTAINING OR DELIVERING
8 NICOTINE OR ANY OTHER SUBSTANCE THAT CAN BE USED BY A PERSON TO SIMULATE
9 SMOKING THROUGH INHALATION OF VAPOR OR AEROSOL FROM THE PRODUCT. THE
10 TERM INCLUDES ANY SUCH DEVICE, WHETHER MANUFACTURED, DISTRIBUTED,
11 MARKETED, OR SOLD AS AN E-CIGARETTE, E-CIGAR, E-PIPE, OR VAPE PEN, OR
12 SIMILAR PRODUCT NAME OR DESCRIPTOR FOR SUCH A DEVICE.” .

13 On page 6, in line 22, strike “, ELECTRONIC SMOKING DEVICES,”.

14 On page 7, strike lines 11 through 14, and substitute the following:

15 “(T) SMOKING MEANS INHALING, EXHALING, BURNING, OR CARRYING ANY LIGHTED OR
16 HEATED CIGAR, CIGARETTE, OR PIPE, OR ANY OTHER LIGHTED OR HEATED TOBACCO
17 OR PLANT PRODUCT INTENDED FOR INHALATION, IN ANY MANNER OR IN ANY FORM.
18 “SMOKING” ALSO INCLUDES THE USE OF AN ELECTRONIC SMOKING DEVICE WHICH
19 CREATES AN AEROSOL OR VAPOR, IN ANY MANNER OR IN ANY FORM, OR THE USE OF
20 ANY ORAL SMOKING DEVICE FOR THE PURPOSE OF CIRCUMVENTING THE PROHIBITION
21 OF SMOKING IN THIS ARTICLE.” .

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23 On page 7, strike lines 19 through 21, and substitute the following:

24 “(V) ~~TOBACCO PRODUCT MEANS:~~

25 (1) ~~ANY PRODUCT CONTAINING, MADE, OR DERIVED FROM TOBACCO OR NICOTINE THAT~~
26 ~~IS INTENDED FOR HUMAN CONSUMPTION, WHETHER SMOKED, HEATED, CHEWED,~~

1 ABSORBED, DISSOLVED, INHALED, SNORTED, SNIFFED, OR INGESTED BY ANY OTHER
2 MEANS, INCLUDING, BUT NOT LIMITED TO CIGARETTES, CIGARS, LITTLE CIGARS,
3 CHEWING TOBACCO, PIPE TOBACCO, SNUFF; AND

4 “(V)(1) TOBACCO PRODUCT MEANS ANY PRODUCT CONTAINING, MADE, OR DERIVED FROM
5 TOBACCO OR NICOTINE THAT IS INTENDED FOR HUMAN CONSUMPTION, WHETHER SMOKED,
6 HEATED, CHEWED, ABSORBED, DISSOLVED, INHALED, SNORTED, SNIFFED, OR INGESTED BY
7 ANY OTHER MEANS, INCLUDING, BUT NOT LIMITED TO CIGARETTES, CIGARS, LITTLE CIGARS,
8 CHEWING TOBACCO, PIPE TOBACCO, SNUFF.

9 ~~(2) ANY ELECTRONIC DEVICE THAT DELIVERS NICOTINE OR OTHER SUBSTANCES TO THE~~
10 ~~PERSON INHALING FROM THE DEVICE, INCLUDING, BUT NOT LIMITED TO AN~~
11 ~~ELECTRONIC CIGARETTE, CIGAR, PIPE, OR HOOKAH.~~

12 ~~(3) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION TO THE CONTRARY,~~
13 ~~“TOBACCO PRODUCT” INCLUDES ANY COMPONENT, PART, OR ACCESSORY OF A~~
14 ~~TOBACCO PRODUCT, WHETHER OR NOT SOLD SEPARATELY.”.~~

15 (2) “TOBACCO PRODUCT” INCLUDES ELECTRONIC SMOKING DEVICES.

16 (3) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION TO THE CONTRARY:

17 (a) “TOBACCO PRODUCT” INCLUDES ANY COMPONENT, PART, OR ACCESSORY OF
18 A TOBACCO PRODUCT, WHETHER OR NOT SOLD SEPARATELY; AND

19 (b) “TOBACCO PRODUCT” DOES NOT INCLUDE PATCHES INTENDED FOR SMOKING
20 CESSATION.”.

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