

SECOND REGULAR SESSION

# HOUSE BILL NO. 2250

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE POLLOCK (123).

4767H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 407.926, RSMo, and to enact in lieu thereof one new section relating to tobacco products.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 407.926, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.926, to read as follows:

407.926. 1. Any person or entity who sells tobacco products, alternative nicotine products, or vapor products shall deny the sale of such tobacco products to any person who is less than eighteen years of age.

2. Any person or entity who sells or distributes tobacco products, alternative nicotine products, or vapor products by mail or through the internet in this state in violation of subsection 1 of this section shall be assessed a fine of two hundred fifty dollars for the first violation and five hundred dollars for each subsequent violation.

3. Alternative nicotine products and vapor products shall only be sold to persons eighteen years of age or older, shall be subject to local and state sales tax, ~~but~~ **and** shall ~~not~~ be ~~otherwise~~ taxed ~~or~~ **and** regulated as tobacco products.

4. (1) Any nicotine liquid container that is sold at retail in this state shall satisfy the child-resistant effectiveness standards set forth in 16 CFR 1700.15(b) as in effect on August 28, 2015, when tested in accordance with the method described in 16 CFR 1700.20 as in effect on August 28, 2015.

(2) For the purposes of this subsection, "nicotine liquid container" shall mean a bottle or other container of liquid or other substance containing nicotine if the liquid or substance is sold, marketed, or intended for use in a vapor product. A "nicotine liquid container" shall not

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 include a liquid or other substance containing nicotine in a cartridge that is sold, marketed, or  
19 intended for use in a vapor product, provided that such cartridge is prefilled and sealed by the  
20 manufacturer and not intended to be opened by the consumer.

21 (3) Any person who engages in retail sales of liquid nicotine containers in this state in  
22 violation of this subsection shall be assessed a fine of two hundred fifty dollars for the first  
23 violation and five hundred dollars for each subsequent violation.

24 (4) The department of health and senior services may adopt rules necessary to carry out  
25 the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section  
26 536.010, that is created under the authority delegated in this section shall become effective only  
27 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
28 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
29 general assembly under chapter 536 to review, to delay the effective date, or to disapprove and  
30 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
31 any rule proposed or adopted after August 28, 2015, shall be invalid and void.

32 (5) The provisions of this subsection and any rules adopted hereunder shall be null, void,  
33 and of no force and effect upon the effective date of the final regulations issued by the federal  
34 Food and Drug Administration or from any other federal agency if such regulations mandate  
35 child-resistant effectiveness standards for nicotine liquid containers.

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