

15104767D

SENATE BILL NO. 1068

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 4, 2015)

(Patron Prior to Substitute—Senator Miller)

A BILL to amend the Code of Virginia by adding a section numbered 18.2-371.2:1, relating to sale or distribution of nicotine vapor products or liquid nicotine; civil penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-371.2:1 as follows:

§ 18.2-371.2:1. Sale or distribution of liquid nicotine and nicotine vapor products; penalties.

A. For purposes of this section:

"Liquid nicotine" means a liquid or other substance containing nicotine in any concentration that is sold, marketed, or intended for use in a nicotine vapor product.

"Nicotine vapor product" has the same meaning as in § 18.2-371.2.

"Nicotine vapor product solution" means a liquid or other substance containing nicotine that is sold, marketed, or intended for use in a nicotine vapor product.

B. No person shall:

1. Sell or distribute or offer for sale or distribution liquid nicotine, a nicotine vapor product, or a nicotine vapor product solution within 1,000 feet of the premises of any place he knows or has a reason to know is a child day center as defined in § 63.2-100 or a primary, secondary, or high school;

2. Sell or distribute or offer for sale or distribution liquid nicotine or a nicotine vapor product solution that contains as an additive or constituent part any artificial or natural flavor that imparts a characterizing flavor similar to candy flavors. Any public statement or claim made or disseminated by the manufacturer of the liquid nicotine or nicotine vapor product solution that such liquid nicotine or nicotine vapor product solution has or produces a characterizing flavor similar to candy flavors shall constitute prima facie evidence that the liquid nicotine or nicotine vapor product solution contains such artificial or natural flavor; or

3. Distribute or offer for distribution any free samples of liquid nicotine, nicotine vapor products, or nicotine vapor product solutions.

C. Any person who violates subsection B is subject to a civil penalty in the amount of \$500 for a first violation, \$1,000 for a second violation, and \$2,500 for a third or subsequent violation.

D. Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement officer may issue a summons for a violation of subsection B.