

20101170D

HOUSE BILL NO. 1365

Offered January 8, 2020

Prefiled January 8, 2020

A *BILL to amend the Code of Virginia by adding in Article 3 of Chapter 12 of Title 18.2 a section numbered 18.2-511.2, relating to manufacture, sale, or distribution of imitation nicotine vapor products; penalty.*

Patron—Leftwich

Referred to Committee for Courts of Justice**Be it enacted by the General Assembly of Virginia:**

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 12 of Title 18.2 a section numbered 18.2-511.2 as follows:

§ 18.2-511.2. Manufacture, sale, or distribution of imitation nicotine vapor products; penalty.

A. For the purposes of this section:

"Counterfeit nicotine vapor product" means any liquid nicotine or nicotine vapor product that (i) has a false manufacturing label or (ii) is not manufactured by the manufacturer indicated on the container.

"Imitation nicotine vapor product" means (i) any counterfeit nicotine vapor product or (ii) any liquid nicotine or nicotine vapor product that was not manufactured, prepared, compounded, or processed by a person registered with the U.S. Food and Drug Administration (FDA) pursuant to 21 U.S.C. § 387e.

"Liquid nicotine" means the same as that term is defined in § 59.1-293.10.

"Nicotine vapor product" means the same as that term is defined in § 18.2-371.2.

B. It is unlawful to manufacture, sell, or distribute any imitation nicotine vapor product. Any person who knowingly violates this section is guilty of a Class 1 misdemeanor. A second or subsequent offense is a Class 6 felony, provided that the accused was at liberty as defined in § 53.1-151 between each conviction and it is admitted, or found by the jury or judge before whom the person is tried, that the accused was previously convicted of a violation of this section.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 854 of the Acts of Assembly of 2019 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

HB1365