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SENATE BILL NO. 952

Offered January 13, 2020

A *BILL to amend and reenact § 59.1-293.10 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 23.2 of Title 59.1 a section numbered 59.1-293.12, relating to the sale of high-nicotine vapor products; specialty retail facility; penalty.*

Patron—Marsden

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-293.10 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 23.2 of Title 59.1 a section numbered 59.1-293.12 as follows:

§ 59.1-293.10. Definitions.

As used in this chapter, unless the context requires another meaning:

"*Alternative nicotine product*" has the same meaning as in § 18.2-371.2.

"*Child-resistant packaging*" means packaging that is designed or constructed to meet the child-resistant effectiveness standards set forth in 16 C.F.R. § 1700.15(b)(1) when tested in accordance with the protocols described in 16 C.F.R. § 1700.20 as in effect on July 1, 2015.

"*High-nicotine vapor product*" means a nicotine vapor product or liquid nicotine that contains more than 20 milligrams of nicotine per milliliter.

"*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.

"*Liquid nicotine container*" means a bottle or other container holding liquid nicotine in any concentration but does not include a cartridge containing liquid nicotine if such cartridge is prefilled and sealed by the manufacturer of such cartridge and is not intended to be opened by the consumer.

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

"*Specialty retail facility*" means a retail facility that generates at least 50 percent of its revenue from the sale of tobacco products; nicotine vapor products, including liquid nicotine; and alternative nicotine products.

"*Tobacco product*" has the same meaning as in § 18.2-371.2.

§ 59.1-293.12. Sale of high-nicotine vapor product; prohibition; penalty.

A. No person except a specialty retail facility shall offer for sale at retail any high-nicotine vapor product in the Commonwealth.

B. Any person that violates the provisions of this section is guilty of a Class 4 misdemeanor.

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