

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: HB1185

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Lopez

3. Committee: Finance

4. Title: Nicotine vapor products; sale, penalties.

5. Summary: This bill requires a person selling a tobacco product, nicotine vapor product, or alternative nicotine product to obtain identification as proof of a buyer's age in any circumstance. Under current law, such identification is not required from an individual when the person selling the product has reason to believe, or if they know, that the person purchasing it is at least 21 years of age.

The bill adds three provisions relating to the sale of nicotine vapor products:

1. The bill limits the sale of (i) flavored nicotine vapor products, including mint and menthol but not tobacco flavors, and (ii) high-nicotine vapor products above 30 mg strength to retail establishments that sell to persons 21 years of age or older and have proven age restriction processes. The bill requires such retail establishments to prove valid identification checks at the door upon entry and again before any transaction is processed. Age verification documentation is to be maintained for every transaction.
2. The bill prohibits all direct-to-consumer online sales that are intended to deliver nicotine vapor products.
3. The bill prohibits the sale of nicotine vapor products with additives other than traditional e-liquid ingredients (e.g., propylene glycol, vegetable glycerin, flavoring) that alter the performance characteristics of nicotine (e.g., benzoic acid).

The bill allows any law-enforcement officer to issue a summons for a violation of these provisions.

6. Budget Amendment Necessary: No

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications: Current law forbids anyone from selling to, distributing to, purchasing for, or knowingly permitting the purchase by anyone under the age of 21 any tobacco product, nicotine vapor product, or alternative nicotine product. Current law also forbids

selling a tobacco product, nicotine vapor product, or alternative nicotine product to any individual who does not demonstrate proof that he is at least 21 years of age. Violations of these provisions are punishable by civil penalties, ranging from \$100 to \$2,500, depending on the product involved and the number of previous violations.

This bill expands current civil penalties to include the new provisions. Although this bill may generate additional fine revenue, the amount of such revenue cannot be determined.

9. Specific Agency or Political Subdivisions Affected: Department of Agriculture and Consumer Services, Courts, law-enforcement agencies

10. Technical Amendment Necessary: None

11. Other Comments: None