

Electronic Cigarette Legislation Prohibiting Sale to Minors in Other States

LEGISLATION: PASSED

STATE	DESCRIPTION	STATUS
California (2011)	As of 2011, CA law makes it unlawful for a person to sell or otherwise furnish an electronic cigarette to persons less than 18 years of age.	CAL. HEALTH AND SAFETY CODE § 119405 (2011) <u>AVAILABLE AT:</u> http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=119001-120000&file=119405
Colorado (2011)	As of March 25, 2011, CO law prohibits furnishing cigarettes or tobacco products to minors includes “any electronic device that can be used to deliver nicotine to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo, or pipe.	COLO. REVISED STAT. § 18-13-121 (2011). <u>AVAILABLE AT:</u> http://www.state.co.us/gov_dir/leg_dir/olls/sl2011a/sl_60.htm
Idaho (2012)	Effective July 1, 2012, ID law prohibits sale of electronic cigarettes to minors and possession of electronic cigarettes by minors.	IDAHO CODE ANN. § 39-5705 (2012). <u>AVAILABLE AT:</u> http://legislature.idaho.gov/legislation/2012/H0405.pdf
Maryland (2012)	Effective October 1, 2012, MD law prohibits the sale of electronic cigarettes to minors.	MD. CODE ANN., HEALTH GEN. § 24-305 (2012). <u>AVAILABLE AT:</u> http://mlis.state.md.us/2012rs/bills/hb/hb1272t.pdf

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<p>Minnesota (2010)</p>	<p>As of May 11, 2010, MN law prohibits the sale of nicotine delivery products intended for human consumption to children.</p>	<p>MINN. TOBACCO MODERNIZATION AND COMPLIANCE ACT OF 2010 § 609.6855 (2010).</p> <p><u>AVAILABLE AT:</u> https://www.revisor.mn.gov/data/revisor/law/2010/0/2010-305.pdf</p>
<p>New Jersey (2010)</p>	<p>As of March 12, 2010, NJ law prohibits the sale of “electronic smoking devices,” commonly known as e-cigarettes to persons less than 19 years old.</p>	<p>N.J. STAT. ANN. § 2C:33-13.1 (2010).</p> <p><u>AVAILABLE AT:</u> http://www.judiciary.state.nj.us/legis/182.pdf</p>
<p>New Hampshire (2010)</p>	<p>As of July 31, 2010, NH law makes it unlawful for a person to sell, give, or furnish or cause or allow or procure to be sold, given, or furnished tobacco products, e-cigarettes, or liquid nicotine to a minor.</p>	<p>N.H. REV. STATE. ANN. § 126-K:4 (2010).</p> <p><u>AVAILABLE AT:</u> http://www.gencourt.state.nh.us/rsa/html/X/126-K/126-K-4.htm</p>
<p>Tennessee (2011)</p>	<p>As of July 1, 2011, TN law makes it a Class C misdemeanor for a person to sell or distribute an electronic cigarette to another person who has not attained 18 years of age or to purchase an electronic cigarette on behalf of such person less than 18 years of age.</p>	<p>TENN. CODE ANN. § 39-17-1504 (West 2012).</p> <p><u>AVAILABLE AT:</u> http://www.tn.gov/sos/acts/107/pub/pc0501.pdf</p>

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<p>Utah (2010)</p>	<p>In 2010, UT law was amended to prohibit any person from providing, selling, giving, furnishing, or causing to be sent electronic cigarettes to any person under the age of 19</p>	<p>UTAH CODE ANN. § 76-10-104 (2010). <u>AVAILABLE AT:</u> http://le.utah.gov/~code/TITLE76/htm/76_10_010400.htm</p>
<p>Wisconsin (2012)</p>	<p>As of April 20, 2012, WI law prohibits the sale of nicotine products, in addition to cigarettes and tobacco products, to persons less than 18 years of age.</p>	<p>WIS. STAT. ANN. § 134.66 (West 2012) <u>AVAILABLE AT:</u> https://docs.legis.wisconsin.gov/2011/related/proposals/ab93.pdf</p>

LEGISLATION: PENDING

STATE	DESCRIPTION	STATUS
<p>Hawaii (2012)</p>	<p>SB 1168 prohibits use of tobacco products by minors. House Amendment (HD 1), under consideration, includes “Electronic Cigarettes” in the definition of tobacco products. Bill would take effect January 1, 2010.</p>	<p><u>CONFERENCE COMMITTEE APPOINTED:</u> Senate disagreed with the House amendment; Conference Committee meeting to reconvene 4/26/12. Senate: passed SB 1168 (3/6/12) that did not include Electronic Cigarettes in the definition of tobacco products House: passed SB 1168 (4/5/12) with an amendment that included Electronic Cigarettes in the definition of tobacco products. <u>BILL STATUS:</u> http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=1168 <u>BILL AS PASSED BY THE HOUSE:</u> http://www.capitol.hawaii.gov/session2012/bills/SB1168_HD1_.htm</p>

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<p>Iowa (2012)</p>	<p>HF 2223 prohibits the sale of electronic smoking devices to persons less than 18 years of age, and makes it unlawful for persons less than 18 years of age to smoke, use, possess, purchase, or attempt to purchase electronic smoking devices.</p>	<p><u>HOUSE</u>: introduced (2/6/12) and referred to subcommittee (2/7/12)</p> <p><u>BILL TEXT</u>: http://coolice.legis.state.ia.us/linc/84/external/hf2223_Introduced.pdf</p>
<p>Kansas (2012)</p>	<p>HB 2324 makes it unlawful to furnish electronic cigarettes to persons less than 18 years of age.</p>	<p><u>SENATE</u>: referred to committee and hearing scheduled for 3/15/12.</p> <p><u>HOUSE</u>: passed (2/17/12) by a vote of 112-6.</p> <p><u>BILL INFO</u>: http://www.kslegislature.org/li/b2011_12/measures/hb2324/</p>
<p>New York (2012)</p>	<p>A09044 prohibits the sale of electronic cigarettes to minors.</p>	<p><u>BILL ACTION</u>: 1/17/12 referred to health 2/14/12 reported referred to codes 3/2/12 amend and recommit to codes 3/2/12 print number 9044a</p> <p><u>SENATE</u>: No action yet</p> <p><u>HOUSE</u>: No action yet</p> <p><u>BILL STATUS</u>: http://assembly.state.ny.us/leg/?default_fld=&bn=A09044&term=2011&Summary=Y&Actions=Y&Votes=Y</p> <p><u>BILL TEXT</u>: http://assembly.state.ny.us/leg/?sh=printbill&bn=A09044&term=2011</p>

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Vermont (2012)	HB 747 would ban the sale of “tobacco substitutes” to minors which includes electronic cigarettes	<p><u>SENATE</u>: read 1st time and referred to committee (3/23/12)</p> <p><u>HOUSE</u>: passed (3/21/12)</p> <p><u>BILL STATUS</u>: http://www.leg.state.vt.us/database/status/summary.cfm?Bill=H.0747&Session=2012</p> <p><u>BILL AS PASSED BY THE HOUSE</u>: http://www.leg.state.vt.us/docs/2012/bills/House/H-747.pdf</p>
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LEGISLATION: FAILED

STATE	DESCRIPTION	STATUS
Arizona (2012)	SB 1280 prohibits the sale of tobacco, including electronic cigarettes, to minors.	<p><u>SENATE</u>: unanimously passed (2/27/12) (http://www.azleg.gov/legtext/50leg/2r/summary/s.1280ce_aspassed.doc.htm)</p> <p><u>HOUSE</u>: passed with amendment striking “Electronic Cigarette” from the bill’s scope (4/3/12)</p> <p><u>HOUSE AMENDMENT AVAILABLE AT</u>: http://www.azleg.gov//FormatDocument.asp?inDoc=/legtext/50leg/2r/adopted/h.1280-f1-mesnard.doc.htm&Session_ID=107</p> <p><u>FINAL BILL AVAILABLE AT</u>: http://www.azleg.gov/legtext/50leg/2r/bills/sb1280h.pdf</p>

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<p>Kentucky (2011)</p>	<p>HB 193 included electronic cigarettes in its ban on smoking indoors</p>	<p><u>BILL ACTION:</u> Jan 6-introduced in House Jan 7-to Health & Welfare (H) Feb 7-posted in committee Feb 22-floor amendments (1) and (2) filed</p> <p><u>BILL INFO:</u> http://www.lrc.ky.gov/record/11RS/HB193.htm</p>
<p>Illinois (2010)</p>	<p>SB 3174 provided that a product containing or delivering nicotine intended or expected for human consumption, or any part of such a product, that is not a tobacco product shall not be distributed or sold in the State or to consumers in the State unless it has been approved or otherwise certified for legal sale by the United States Food and Drug Administration as a tobacco use cessation, harm reduction, or modified-risk product, or for other medical purposes, and is being marketed and sold solely for that approved purpose</p>	<p><u>SENATE:</u> Amendment provides that "tobacco product" is defined under the Food, Drug, and Cosmetic Act rather than Illinois law – adopted (3/2/10) (http://www.ilga.gov/legislation/96/SB/PDF/09600SB3174sam001.pdf).</p> <p><u>HOUSE:</u> first reading (3/11/10), referred to Rules Committee, and no further action.</p> <p><u>BILL TEXT:</u> http://www.ilga.gov/legislation/96/SB/PDF/09600SB3174.pdf</p> <p><u>BILL INFORMATION:</u> http://www.ilga.gov/legislation/BillStatus.asp?DocNum=3174&GAID=10&DocTypeID=SB&LegId=50923&SessionID=76</p>
<p>Oregon (2011)</p>	<p>HB 3014 included electronic cigarettes in application of certain statutes regulating cigarettes and smoking, including prohibiting their sale to persons less than 18 years of age.</p>	<p><u>HOUSE:</u> introduced and no further action.</p> <p><u>BILL TEXT:</u> http://www.leg.state.or.us/11reg/measpdf/hb3000.dir/hb3014.intro.pdf</p>

Updated 6/11/2012