

**SB316 INTRODUCED**



1 DW71NN-1

2 By Senators Figures, Hatcher, Singleton, Smitherman, Givhan,  
3 Beasley, Stewart, Bell, Coleman-Madison, Hovey, Chambliss,  
4 Elliott, Livingston, Roberts, Reed, Scofield, Gudger, Weaver,  
5 Williams, Price, Chesteen, Butler, Stutts, Melson, Allen,  
6 Waggoner, Orr, Barfoot, Sessions, Albritton, Coleman, Jones,  
7 Carnley, Shelnutt

8 RFD: Judiciary

9 First Read: 11-May-23

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11 2023 Regular Session



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SYNOPSIS:

Under existing law, it unlawful for an individual under 21 years of age to possess any tobacco, tobacco product, alternative nicotine product, or electronic nicotine delivery system, or false proof of identification.

This bill would specify that an individual under 21 years of age commits a violation for the possession of an electronic nicotine delivery system without regard to whether the electronic nicotine delivery system contained or was used in combination with an e-liquid, a tobacco product, or other substance.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill



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29 does not require approval of a local governmental  
30 entity or enactment by a 2/3 vote to become effective  
31 because it comes within one of the specified exceptions  
32 contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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39 Relating to vaping devices; to amend Section 28-11-14,  
40 Code of Alabama 1975, to further provide prohibitions on the  
41 possession of an electronic nicotine delivery system by  
42 individuals under 21 years of age; and in connection therewith  
43 would have as its purpose or effect the requirement of a new  
44 or increased expenditure of local funds within the meaning of  
45 Section 111.05 of the Constitution of Alabama of 2022.

46 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

47 Section 1. Section 28-11-13, Code of Alabama 1975, is  
48 amended to read as follows:

49 "§28-11-13

50 (a) (1) It is unlawful for any individual under the age  
51 of 21 years to purchase, use, possess, or transport tobacco, a  
52 tobacco product, an electronic nicotine delivery system, or an  
53 alternative nicotine product within this state.

54 (2) For purposes of the unlawful purchase, use,  
55 possession, or transportation of an electronic nicotine  
56 delivery system, a violation is committed upon mere possession



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57 of an electronic nicotine delivery system, regardless of  
58 whether the electronic nicotine delivery system contained or  
59 was used in combination with an e-liquid, any tobacco product,  
60 or any other substance.

61 (b) It shall not be unlawful for an individual under  
62 the age of 21 years who is an employee of a tobacco, tobacco  
63 product, electronic nicotine delivery system, or alternative  
64 nicotine product permit holder to handle, transport, or sell  
65 tobacco, a tobacco product, an electronic nicotine delivery  
66 system, or an alternative tobacco product if the employee is  
67 acting within the line and scope of employment and the permit  
68 holder, or an employee of the permit holder who is 21 years of  
69 age or older, is present.

70 ~~(b)~~ (c) It is unlawful for any individual under the age  
71 of 21 years to present or offer to another person proof of  
72 identification which is false, fraudulent, or not actually his  
73 or her own proof of identification in order to buy, receive,  
74 or otherwise obtain, or attempt to buy, receive, or otherwise  
75 obtain, any tobacco, tobacco product, electronic nicotine  
76 delivery system, or alternative nicotine product.

77 ~~(e)~~ (d) If a minor is cited for any violation under this  
78 section, the citing agency shall make reasonable efforts to  
79 notify a parent, legal guardian, or legal custodian of the  
80 minor unless the minor has been emancipated by court order or  
81 operation of law."

82 Section 2. Although this bill would have as its purpose  
83 or effect the requirement of a new or increased expenditure of  
84 local funds, the bill is excluded from further requirements



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85 and application under Section 111.05 of the Constitution of  
86 Alabama of 2022, because the bill defines a new crime or  
87 amends the definition of an existing crime.

88 Section 3. This act shall become effective on the first  
89 day of the third month following its passage and approval by  
90 the Governor, or its otherwise becoming law.