

SB95 ENGROSSED



1 SB95

2 WRUPEE5-2

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

9 RFD: Judiciary

10 First Read: 13-Feb-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to vaping devices; to amend Section 28-11-13, Code of Alabama 1975, to further provide prohibitions on the possession of an electronic nicotine delivery system by individuals under 21 years of age; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§28-11-13

(a) (1) It is unlawful for any individual under ~~the age~~ of 21 years of age to purchase, use, possess, or transport tobacco, a tobacco product, an electronic nicotine delivery system or other electronic battery-powered device capable of being used to deliver any e-liquid, e-liquid substitute, tobacco, CBD oil, THC oil, herbal extract, or nicotine salt, or any analog thereof, or any other substance to the individual through the inhalation of vapor, or an alternative



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29 nicotine product within this state.

30 (2) For purposes of this subsection, a violation is
31 committed upon mere possession of an electronic nicotine
32 delivery system or other electronic battery-powered device as
33 described in subdivision (1), irrespective of which particular
34 e-liquid or other substance, if any, was contained or
35 otherwise used in the device.

36 (b) It shall not be unlawful for an individual under
37 ~~the age of~~ 21 years of age who is an employee of a tobacco,
38 tobacco product, electronic nicotine delivery system, or
39 alternative nicotine product permit holder to handle,
40 transport, or sell tobacco, a tobacco product, an electronic
41 nicotine delivery system, or an alternative tobacco product if
42 the employee is acting within the line and scope of employment
43 and the permit holder, or an employee of the permit holder who
44 is 21 years of age or older, is present.

45 ~~(b)~~ (c) It is unlawful for any individual under ~~the age~~
46 ~~of~~ 21 years of age to present or offer to another person proof
47 of identification ~~which~~ that is false, fraudulent, or not
48 actually his or her own proof of identification in order to
49 buy, receive, or otherwise obtain, or attempt to buy, receive,
50 or otherwise obtain, any tobacco, tobacco product, electronic
51 nicotine delivery system, or alternative nicotine product.

52 ~~(e)~~ (d) If a minor is cited for any violation under this
53 section, the citing agency shall make reasonable efforts to
54 notify a parent, legal guardian, or legal custodian of the
55 minor unless the minor has been emancipated by court order or
56 operation of law.



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57 (e) Nothing in this section shall apply to devices used
58 to deliver medication prescribed or ordered by a physician
59 licensed to practice medicine in this state."

60 Section 2. Although this bill would have as its purpose
61 or effect the requirement of a new or increased expenditure of
62 local funds, the bill is excluded from further requirements
63 and application under Section 111.05 of the Constitution of
64 Alabama of 2022, because the bill defines a new crime or
65 amends the definition of an existing crime.

66 Section 3. This act shall become effective on October
67 1, 2024.



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70 Senate

71 Read for the first time and referred13-Feb-24
72 to the Senate committee on Judiciary
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74 Read for the second time and placed28-Feb-24
75 on the calendar:
76 1 amendment
77
78 Read for the third time and passed05-Mar-24
79 as amended
80 Yeas 31
81 Nays 0
82 Abstains 0
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Patrick Harris,
Secretary.

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