

SB95 ENROLLED



SB95

WRUPEE5-3

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

RFD: Judiciary

First Read: 13-Feb-24



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1 Enrolled, An Act,

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

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 "§28-11-13

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

25 (2) For purposes of this subsection, a violation is
26 committed upon mere possession of an electronic nicotine
27 delivery system or other electronic battery-powered device as
28 described in subdivision (1), irrespective of which particular



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e-liquid or other substance, if any, was contained or otherwise used in the device.

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

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

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

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

Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of



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57 local funds, the bill is excluded from further requirements
58 and application under Section 111.05 of the Constitution of
59 Alabama of 2022, because the bill defines a new crime or
60 amends the definition of an existing crime.

61 Section 3. This act shall become effective on October
62 1, 2024.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB95

Senate 05-Mar-24

I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 04-Apr-24

By: Senator Figures