

CHAPTER 259
HB 511-FN - FINAL VERSION

7Mar2019... 0459h
7Mar2019... 0680h
04/25/2019 1518s
27Jun2019... 2554-CofC

2019 SESSION

19-0200
01/04

HOUSE BILL ***511-FN***

AN ACT relative to vaping.

SPONSORS: Rep. Marsh, Carr. 8; Rep. Guthrie, Rock. 13; Rep. Knirk, Carr. 3; Rep. Kotowski, Merr. 24; Rep. Crawford, Carr. 4; Rep. Fothergill, Coos 1; Rep. Abrami, Rock. 19; Rep. MacDonald, Carr. 6; Rep. Stapleton, Sull. 5; Sen. Bradley, Dist 3; Sen. Chandley, Dist 11; Sen. Sherman, Dist 24

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill adds vaping to the law regarding youth access to and use of tobacco products.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to vaping.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 259:1 Youth Access to and Use of Tobacco Products; Definitions. Amend RSA 126-K:2, II-a to
2 read as follows:

3 II-a. ***"Device" means any product composed of a mouthpiece, a heating element, a***
4 ***battery, and electronic circuits designed or used to deliver any aerosolized or vaporized***
5 ***substance including, but not limited to, nicotine or cannabis. Device may include, but is***
6 ***not limited to, hookah, e-cigarette, e-cigar, e-pipe, vape pen, e-hookah.***

7 ***II-b.*** "E-cigarette" means any electronic smoking device composed of a mouthpiece, a heating
8 element, a battery, and electronic circuits that ~~[provides a vapor of pure]~~ ***may or may not contain***
9 nicotine ~~[mixed with propylene glycol to the user as the user simulates smoking]~~ ***or e-liquid.*** This
10 term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes,
11 or under any other product name.

12 ***II-c. "E-liquid" means any liquid, oil, or wax product containing, but not limited to,***
13 ***nicotine or cannabis intended for use in devices used for inhalation.***

14 259:2 Youth Access to and Use of Tobacco Products. Amend the introductory paragraph of RSA
15 126-K:3, I to read as follows:

16 I. For the purposes of this chapter, any person responsible for monitoring sales from a
17 tobacco vending machine or any person making the sale of tobacco products, e-cigarettes, or ~~[liquid~~
18 ~~nicotine]~~ ***e-liquid*** which vending machine or other sale is to be made to any person who does not
19 appear to be at least 18 years of age, shall require the purchaser to furnish any of the following
20 documentation that such person is 18 years of age or over:

21 259:3 Youth Access to and Use of Tobacco Products. Amend the introductory paragraph of RSA
22 126-K:3, III to read as follows:

23 III. The establishment of all of the following facts by a person responsible for monitoring
24 sales from a vending machine or a person or sampler making a sale or distribution of tobacco
25 products, e-cigarettes, or ~~[liquid nicotine]~~ ***e-liquid*** to a person under 18 years of age shall constitute
26 prima facie evidence of innocence and a defense to any prosecution for such sale:

27 259:4 Youth Access to and Use of Tobacco Products. Amend the section heading and paragraph
28 I of RSA 126-K:4 to read as follows:

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1 126-K:4 Sale and Distribution of Tobacco Products, E-cigarettes, or [~~Liquid Nicotine~~] ***E-Liquid***
2 to Minors Prohibited.

3 I. No person shall sell, give, or furnish or cause or allow or procure to be sold, given, or
4 furnished tobacco products, e-cigarettes, or [~~liquid nicotine~~] ***e-liquid*** to a minor. The prohibition
5 established by this paragraph shall not be deemed to prohibit minors employed by any
6 manufacturer, wholesaler, sub-jobber, vending machine operator, sampler, or retailer from
7 performing the necessary handling of tobacco products, e-cigarettes, or liquid nicotine during the
8 duration of their employment.

9 259:5 Youth Access to and Use of Tobacco Products, Devices, E-cigarettes, or E-liquids. Amend
10 the section heading and paragraphs I and II of RSA 126-K:6 to read as follows:

11 126-K:6 Possession and Use of Tobacco Products, E-cigarettes, or [~~Liquid Nicotine~~] ***E-liquid*** by
12 Minors.

13 I. No [~~person under 18 years of age~~] ***minor*** shall purchase, attempt to purchase, possess, or
14 use any tobacco product, e-cigarette, ***device***, or [~~liquid nicotine~~] ***e-liquid except that a minor who***
15 ***has been issued a registry identification card under RSA 126-X:4 may possess e-liquids***
16 ***containing cannabis and applicable devices.***

17 II. The prohibition on possession of tobacco products, ***devices***, e-cigarettes, or [~~liquid~~
18 ~~nicotine~~] ***e-liquid*** shall not be deemed to prohibit minors employed by any manufacturer,
19 wholesaler, sub-jobber, vending machine operator, sampler, or retailer from performing the
20 necessary handling of tobacco products, ***devices***, e-cigarettes, or [~~liquid nicotine~~] ***e-liquids*** during
21 the duration of their employment.

22 259:6 Youth Access to and Use of Tobacco Products, E-cigarettes, Devices or E-Liquids on Public
23 Educational Facility Grounds Prohibited. Amend the section heading and paragraph I of RSA 126-
24 K:7 to read as follows:

25 126-K:7 Use of Tobacco Products, ***Devices***, E-cigarettes, or [~~Liquid Nicotine~~] ***E-liquids*** on
26 Public Educational Facility Grounds Prohibited.

27 I. No person shall use any tobacco product, ***device***, e-cigarette, or [~~liquid nicotine~~] ***e-liquid***
28 in any public educational facility or on the grounds of any public educational facility.

29 259:7 Youth Access to and Use of Tobacco Products. Amend RSA 126-K:8, I to read as follows:

30 I. No person shall sell, give, or furnish tobacco products, e-cigarettes, or [~~liquid nicotine~~] ***e-***
31 ***liquid*** to a minor who has a note from an adult requesting such sale, gift, or delivery.

32 259:8 Indoor Smoking Act; Definitions. Amend RSA 155:65, XV to read as follows:

33 XV. "Smoking" means having in one's possession a lighted cigarette, cigar, or pipe, or any
34 device designed to produce the effect of smoking, ***including devices as defined in RSA 126-K:2,***
35 ***II-a.***

36 259:9 Repeal. RSA 126-K:2, III-a, relative to definition of liquid nicotine, is repealed.

37 259:10 Effective Date. This act shall take effect July 1, 2019.

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Approved: July 19, 2019
Effective Date: July 01, 2019