



HOUSE BILL 2359

By Hawk

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17; Title 43; Title 57 and Title 67, Chapter 4, Part 10, relative to vapor products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-1001(7), is amended by deleting the subdivision and substituting instead:

(7) "Consumable material" means a liquid nicotine solution, whether natural or synthetic, or a liquid nicotine analogue intended for use in a vapor product;

SECTION 2. Tennessee Code Annotated, Section 67-4-1001(28), is amended by deleting the subdivision and substituting instead:

(28) "Vapor product":

(A) Means a noncombustible product containing consumable material that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce or emit a visible or non-visible vapor;

(B) Includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product, and any vapor cartridge containing consumable material or other container of consumable material that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product; and

(C) Does not include a product regulated under Chapter V of the Food, Drug, and Cosmetic Act (21 U.S.C. § 351 et seq.);

SECTION 3. Tennessee Code Annotated, Section 67-4-1035(d), is amended by deleting the language "is subject to a fine" and substituting instead the language "is subject to a fine, issued by the alcoholic beverage commission,".

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 2 to HB2359

Hicks G
Signature of Sponsor

AMEND Senate Bill No. 2293*

House Bill No. 2359

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 67-4-1001(7), is amended by deleting the subdivision and substituting instead:

(7) "Consumable material" means a liquid nicotine solution, whether natural or synthetic, or a liquid nicotine analogue intended for use in a vapor product;

SECTION 2. Tennessee Code Annotated, Section 67-4-1001(28), is amended by deleting the subdivision and substituting instead:

(28) "Vapor product":

(A) Means a noncombustible product containing consumable material that employs a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce or emit a visible or non-visible vapor;

(B) Includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product, and any vapor cartridge containing consumable material or other container of consumable material that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product; and

(C) Does not include a product regulated under Chapter V of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 351 et seq.);

SECTION 3. Tennessee Code Annotated, Section 67-4-1035(d), is amended by deleting the language "is subject to a fine" and substituting instead the language "is subject to a fine, issued by the alcoholic beverage commission,".

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. 3 to HB2359

Freeman
Signature of Sponsor

AMEND Senate Bill No. 2293*

House Bill No. 2359

by deleting Section 4 and substituting:

SECTION 4. Tennessee Code Annotated, Section 57-7-106(b)(3)(A), is amended by deleting the subdivision and substituting:

(A)

(i) An applicant for a license as a retailer with a proposed retail location that is within one thousand feet (1,000') of a private school, public school, or charter school that serves any grade from kindergarten through grade twelve (K-12) shall not sell HDCPs at such location unless the applicant provides the commission with documentation that establishes that HDCPs were being offered for sale at retail at such location on December 31, 2023.

(ii) Notwithstanding this chapter, a licensed retailer with a retail location that is within one thousand feet (1,000') of a private school, public school, or charter school that serves any grade from kindergarten through grade twelve (K-12) shall not sell HDCP vapor products at such location.

SECTION 5. Tennessee Code Annotated, Title 67, Chapter 4, Part 10, is amended by adding the following as a new section:

Notwithstanding this chapter, a vapor product retail dealer or retail vapor product store with a retail location that is within one thousand feet (1,000') of a private school, public school, or charter school that serves any grade from kindergarten through grade twelve (K-12) shall not sell vapor products at such location.

SECTION 6.

(a) Section 4 and Section 5 of this act take effect July 1, 2027, the public welfare requiring it, and applies to conduct occurring on or after that date.

(b) For all other purposes, this act takes effect upon becoming a law, the public welfare requiring it.