

Rep. M. Pearson, Rock. 34
Rep. Marsh, Carr. 8
Rep. Knirk, Carr. 3
February 12, 2019
2019-0459h
01/10

Amendment to HB 511-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Youth Access to and Use of Tobacco Products; Definitions. Amend RSA 126-K:2, II-a to read
4 as follows:

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

9 II-b. "E-cigarette" means any electronic smoking device composed of a mouthpiece, a
10 heating element, a battery, and electronic circuits that provides a vapor of pure nicotine mixed with
11 propylene glycol to the user as the user simulates smoking. This term shall include such devices
12 whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product
13 name.

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

16 2 Youth Access to and Use of Tobacco Products. Amend the introductory paragraph of RSA
17 126-K:3, I to read as follows:

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

23 3 Youth Access to and Use of Tobacco Products. Amend the introductory paragraph of RSA
24 126-K:3, III to read as follows:

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

29 4 Youth Access to and Use of Tobacco Products. Amend the section heading and paragraph I of
30 RSA 126-K:4 to read as follows:

31 126-K:4 Sale and Distribution of Tobacco Products, E-cigarettes, or ~~Liquid Nicotine~~ ***E-Liquid***

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1 to Minors Prohibited.

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

8 5 Youth Access to and Use of Tobacco Products, Devices, E-cigarettes, or E-liquids. Amend the
9 section heading and paragraphs I and II of RSA 126-K:6 to read as follows:

10 126-K:6 Possession and Use of Tobacco Products, E-cigarettes, or [~~Liquid Nicotine~~] **E-liquid** by
11 Minors.

12 I. No person under [~~18 years of age~~] **The legal age as defined in RSA 126-X:1** shall
13 purchase, attempt to purchase, possess, or use any tobacco product, e-cigarette, **device**, or [~~liquid~~
14 ~~nicotine~~] **e-liquid except as allowed in RSA 126-X**.

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

20 6 Youth Access to and Use of Tobacco Products, E-cigarettes, Devices or E-Liquids on Public
21 Educational Facility Grounds Prohibited. Amend the section heading and paragraph I of RSA 126-
22 K:7 to read as follows:

23 126-K:7 Use of Tobacco Products, **Devices**, E-cigarettes, or [~~Liquid Nicotine~~] **E-liquids** on
24 Public Educational Facility Grounds Prohibited.

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

27 7 Youth Access to and Use of Tobacco Products. Amend RSA 126-K:8, I to read as follows:

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

30 8 Indoor Smoking Act; Definitions. Amend RSA 155:65, XV to read as follows:

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

34 9 Repeal. RSA 126-K:2, III-a, relative to definition of liquid nicotine, is repealed.

35 10 Effective Date. This act shall take effect January 1, 2020.