

1 HB286  
2 147846-3  
3 By Representative Jones  
4 RFD: Judiciary  
5 First Read: 14-FEB-13



1 cigarette, electronic cigar, electronic cigarillo, or  
2 electronic pipe.

3 "The term "electronic cigarette" does not include  
4 any of the following:

5 "1. A cigarette or other tobacco product as defined  
6 in this section.

7 "2. A product that is a drug under 21 U.S.C.  
8 §321(q) (1).

9 "3. A product that is a device under 21 U.S.C.  
10 §321(h).

11 "4. A combination product that is a device under 21  
12 U.S.C. §353(q).

13 "b. Alternative nicotine products. The term includes  
14 products other than electronic cigarettes that consists of or  
15 contains nicotine that can be ingested into the body by  
16 chewing, smoking, absorbing, dissolving, inhaling, or by any  
17 other means.

18 "The term "alternative nicotine products" does not  
19 include the following:

20 "1. A cigarette or other tobacco product as defined  
21 in this section.

22 "2. A product that is a drug under 21 U.S.C.  
23 §321(q) (1).

24 "3. A product that is a device under 21 U.S.C.  
25 §321(h).

26 "4. A combination product described in 21 U.S.C.  
27 §353(q).

1                   "~~(1)~~(2) BOARD. The Alabama Alcoholic Beverage  
2 Control Board.

3                   "~~(2)~~(3) DISTRIBUTION. To sell, barter, exchange, or  
4 give tobacco or tobacco products for promotional purposes or  
5 for gratis.

6                   "~~(3)~~(4) MINOR. Any person under the age of 19 years.

7                   "~~(4)~~(5) PERSON. Any natural person, firm,  
8 partnership, association, company, corporation, or other  
9 entity. Person does not include a manufacturer or wholesaler  
10 of tobacco or tobacco products nor does it include employees  
11 of the permit holder.

12                   "~~(5)~~(6) PROOF OF IDENTIFICATION. Any one or more of  
13 the following documents used for purposes of determining the  
14 age of a person purchasing, attempting to purchase, or  
15 receiving tobacco or tobacco products:

16                   "a. A valid driver's license issued by any state and  
17 bearing the photograph of the presenting person.

18                   "b. United States Uniform Service Identification.

19                   "c. A valid passport.

20                   "d. A valid identification card issued by any state  
21 agency for the purpose of identification and bearing the  
22 photograph and date of birth of the presenting individual.

23                   "e. For legal mail order purposes only a valid  
24 signed certification that will verify the individual is 19  
25 years of age or older.

1           "~~(6)~~(7) RESPONSIBLE VENDOR PROGRAM. A program  
2 administered by the board to encourage and support vendors in  
3 training employees in legal and responsible sales practices.

4           "~~(7)~~(8) SAMPLER. Any business or person who  
5 distributes tobacco or tobacco products for promotional  
6 purposes.

7           "~~(8)~~(9) SELF-SERVICE DISPLAY. A display that  
8 contains tobacco or tobacco products and is located in an area  
9 openly accessible to purchasers at retail and from which such  
10 purchasers can readily access tobacco or tobacco products  
11 without the assistance of the tobacco permit holder or an  
12 employee of the permit holder. A display case that holds  
13 tobacco or tobacco products behind locked doors does not  
14 constitute a self-service display.

15           "~~(9)~~(10) TOBACCO or TOBACCO PRODUCTS. Tobacco or any  
16 product containing tobacco, including, but not limited to, the  
17 following:

- 18           "a. Cigarettes.
- 19           "b. Cigars.
- 20           "c. Chewing tobacco.
- 21           "d. Snuff.
- 22           "e. Pipe tobacco.
- 23           "f. Smokeless tobacco.

24           "~~(10)~~(11) TOBACCO PERMIT. A permit issued by the  
25 board to allow the permit holder to engage in the distribution  
26 of tobacco or tobacco products at the location identified in  
27 the permit.

1           "~~(11)~~(12) TOBACCO SPECIALTY STORE. A business that  
2 derives at least 75 percent of its revenue from tobacco or  
3 tobacco products.

4           "§28-11-13.

5           ~~Unlawful behavior of minors. Unlawful for minors to~~  
6 purchase, use, possess, or transport tobacco, tobacco  
7 products, or alternative nicotine products.

8           "(a) It is unlawful for any minor to purchase, use,  
9 possess, or transport tobacco, ~~or~~ tobacco products, or  
10 alternative nicotine products within this state. It shall not  
11 be unlawful for a minor employee of a tobacco, tobacco  
12 product, or alternative nicotine product permit holder to  
13 handle, transport, or sell tobacco, ~~or~~ tobacco products, or  
14 alternative tobacco products if the minor employee is acting  
15 within the line and scope of employment and the permit holder,  
16 or an employee of the permit holder who is 21 years of age or  
17 older, is present.

18           "(b) It is unlawful for any minor to present or  
19 offer to another person proof of identification which is  
20 false, fraudulent, or not actually his or her own proof of  
21 identification in order to buy, receive, or otherwise obtain,  
22 or attempt to buy, receive, or otherwise obtain, any tobacco, ~~or~~  
23 tobacco products, or alternative nicotine products."

24           (c) If a minor is cited for any violation under this  
25 section, the citing agency shall notify a parent, legal  
26 guardian, or legal custodian of the minor unless the minor has  
27 been emancipated by court order or operation of law.

1                   Section 2. This act shall become effective on the  
2           first day of the third month following its passage and  
3           approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Judiciary ..... . . . . . 14-FEB-13

Read for the second time and placed  
on the calendar 2 amendments ..... . . . . . 28-FEB-13

Read for the third time and passed  
as amended..... . . . . . 04-APR-13

Yeas 101, Nays 0, Abstains 0

Jeff Woodard  
Clerk