

2021 -- S 0263 SUBSTITUTE A

LC000958/SUB A/2

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO CRIMINAL OFFENSES -- CHILDREN

Introduced By: Senators Coyne, Ruggerio, Gallo, Lombardo, Goodwin, McCaffrey, Sosnowski, Miller, F Lombardi, and DiMario

Date Introduced: February 10, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 11-9-13, 11-9-13.2, 11-9-13.4, 11-9-13.5, 11-9-13.6, 11-9-13.7, 11-
2 9-13.8, 11-9-13.8.1, 11-9-13.10, 11-9-13.11 and 11-9-13.13 of the General Laws in Chapter 11-9
3 entitled "Children" are hereby amended to read as follows:

4 ~~11-9-13. Purchase, sale or delivery of tobacco products to persons under eighteen --~~
5 ~~Posting notice of law~~ **Sale or delivery of tobacco products, including electronic nicotine**
6 **delivery system products to individuals under twenty-one (21) -- posting notice of law.**

7 No person ~~under eighteen (18) years of age shall purchase, nor~~ shall ~~any person~~ sell, give,
8 or deliver to any ~~person~~ individual under ~~eighteen (18)~~ twenty-one (21) years of age, any tobacco
9 product in the form of cigarettes, bidi cigarettes, cigars, little cigars, flavored cigars known as
10 "blunts," unflavored "blunts," flavored and unflavored blunt wraps, cigarette rolling papers of any
11 size or composition, cigarillos and tiparillos, pipe tobacco, chewing tobacco, snuff, electronic
12 nicotine-delivery ~~systems~~ system products, or ~~snuff~~ any and all products as defined in § 44-20-1.
13 Any person, firm, or corporation that owns, manages, or operates a place of business in which
14 tobacco products are sold, including sales through ~~cigarette~~ tobacco product vending machines,
15 shall post notice of this law conspicuously in the place of business in letters at least three-eighths
16 of an inch (3/8") high.

17 **11-9-13.2. Short title.**

18 Sections 11-9-13.2 -- 11-9-13.19 shall be cited as "An Act to Stop the Illegal Sale of
19 Tobacco Products to ~~Children~~ Individuals Under Twenty-One (21) Years of Age".

1 **11-9-13.4. Definitions.**

2 As used in this chapter:

3 (1) "Bidi cigarette" means any product that (i) contains tobacco that is wrapped in temburni
4 or tender leaf, or that is wrapped in any other material identified by rules of the Department of
5 Health that is similar in appearance or characteristics to the temburni or tender leaf, and (ii) does
6 not contain a smoke filtering device.

7 (2) "Court" means any appropriate district court of the state of Rhode Island.

8 (3) "Dealer" is synonymous with the term "retail tobacco products dealer."

9 (4) "Department of behavioral healthcare, developmental disabilities and hospitals" means
10 the state of Rhode Island behavioral healthcare, developmental disabilities and hospitals
11 department, its employees, agents or assigns.

12 (5) "Department of taxation" means the state of Rhode Island taxation division, its
13 employees, agents, or assigns.

14 (6) "License" is synonymous with the term "retail tobacco products dealer license" or
15 "electronic nicotine-delivery system license [or any license issued under chapter 20 of title 44 or](#)
16 [chapter 1 of title 23.](#)"

17 (7) "License holder" is synonymous with the term "retail tobacco products dealer" or
18 "electronic nicotine-delivery system license [or any licenses issued under chapter 20 of title 44 or](#)
19 [chapter 1 of title 23.](#)"

20 (8) "Person" means any individual person, firm, [fiduciary, partnership, trust](#), association,
21 or corporation licensed as a retail dealer to sell tobacco products within the state.

22 (9) "Retail tobacco products dealer" means the holder of a license to sell tobacco products
23 at retail [and shall include holders of all other licenses issued under chapter 20 of title 44 or chapter](#)
24 [1 of title 23.](#)

25 (10) "Retail tobacco products dealer license" means a license to sell tobacco products at
26 retail as issued by the department of taxation.

27 (11) "Spitting tobacco" also means snuff, powdered tobacco, chewing tobacco, dipping
28 tobacco, pouch tobacco, or smokeless tobacco.

29 (12) "Tobacco product(s)" means ~~any product containing tobacco, including bidi cigarettes,~~
30 ~~as defined in subdivision (1) of this section, that can be used for, but whose use is not limited to,~~
31 ~~smoking, sniffing, chewing, or spitting of the product~~ [any product\(s\) containing, made of, or](#)
32 [derived from tobacco or nicotine that is intended for human consumption or is likely to be](#)
33 [consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited](#)
34 [to, a cigarette, a little cigar as defined in § 44-20.2-1, and any and all products as defined in § 44-](#)

1 20-1, electronic nicotine-delivery system products, or any added substance that may be aerosolized,
2 vaporized, or otherwise delivered by such an electronic nicotine-delivery system device, whether
3 or not that substance contains nicotine.

4 (i) "Tobacco product(s)" does not include drugs, devices, or combination products intended
5 to treat tobacco or nicotine dependence that are authorized by the United States Food and Drug
6 Administration, as those terms are defined in the federal Food, Drug and Cosmetic Act. Nor does
7 it include such authorized drugs, devices or combination products with such treatment purpose by
8 individuals under age twenty-one (21) if prescribed by a licensed prescriber such as a physician,
9 nurse practitioner or physician assistant.

10 (13) "Underage individual" or "underage individuals" means any ~~child~~ individual under the
11 age of ~~eighteen (18)~~ twenty-one (21) ~~years of age.~~

12 (14) "Little cigars" means and includes any roll, made wholly or in part of tobacco,
13 irrespective of size or shape, and irrespective of whether the tobacco is flavored, adulterated, or
14 mixed with any other ingredient, where such roll has a wrapper or cover made of tobacco wrapped
15 in leaf tobacco or any substance containing tobacco paper or any other material, except where such
16 wrapper is wholly or in greater part made of tobacco and such roll weighs over ~~three (3)~~ four (4)
17 pounds per thousand (1,000).

18 (15) "Electronic nicotine-delivery system" means an electronic device that may be used to
19 simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device,
20 and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo,
21 electronic little cigars, electronic pipe, or electronic hookah, "heat not burn products," e-liquids, e-
22 liquid products, or ~~and~~ any related device and any cartridge or other component of such device.

23 (16) "Electronic nicotine-delivery system product" means any combination of electronic
24 nicotine-delivery system and/or e-liquid and/or any derivative thereof, and/or any e-liquid
25 container. Electronic nicotine-delivery system products shall not include hemp-derived consumable
26 cannabidiol (CBD) products as defined in § 2-26-3.

27 (17) "E-liquid" and "e-liquid products" means any liquid or substance placed in or sold for
28 use in an electronic nicotine-delivery system which generally utilizes a heating element that
29 aerosolizes, vaporizes, or combusts a liquid or other substance containing nicotine or nicotine
30 derivative:

31 (i) Whether the liquid or substance contains nicotine or a nicotine derivative; or

32 (ii) Whether sold separately or sold in combination with a personal vaporizer, electronic
33 nicotine-delivery system, or an electronic inhaler.

34 **11-9-13.5. Responsibility for tobacco or health issues.**

1 The Rhode Island department of behavioral healthcare, developmental disabilities and
2 hospitals shall develop, monitor and aggressively enforce health rules and regulations pertaining to
3 stopping the illegal sale of tobacco products which include electronic nicotine-delivery system
4 products to ~~children~~ individuals under twenty-one (21) years of age.

5 **11-9-13.6. Duties of the department of behavioral healthcare, developmental**
6 **disabilities and hospitals.**

7 The department of behavioral healthcare, developmental disabilities and hospitals shall:

8 (1) Coordinate and promote the enforcement of the provisions of this chapter and serve as
9 the primary liaison from this department to other state or local agencies, departments, or divisions
10 on issues pertaining to stopping ~~children's~~ individuals' under twenty-one (21) years of age access
11 to tobacco products which include ~~and~~ electronic nicotine-delivery system ~~dealers~~ products.

12 (2) Provide retail tobacco products dealers and electronic nicotine-delivery system
13 products dealers signs concerning the prohibition of sales to ~~children~~ individuals under ~~eighteen~~
14 ~~(18)~~ twenty-one (21) years of age. The signs, conforming to the requirements of this chapter, shall
15 be sold at cost. This sign, or an exact duplicate of it made privately, shall be displayed in all
16 locations where tobacco products, ~~and/or~~ including electronic nicotine-delivery ~~systems~~ system
17 products, are sold.

18 (3) Investigate concurrently with other state and local officials violations of this chapter.

19 (4)(i) Utilize unannounced statewide compliance checks of tobacco product sales, ~~and/or~~
20 including electronic nicotine-delivery system product sales, including retail tobacco ~~and/or~~ product
21 over-the-counter sales which include electronic nicotine-delivery system product over-the-counter
22 sales, mail-order sales initiated via mail, facsimile, telephone or internet ordering or other types of
23 electronic communications, and tobacco product, including ~~and/or~~ electronic nicotine-delivery
24 ~~systems~~ system product vending machine sales, as part of investigating compliance with the
25 provisions of this chapter. Underage individuals, acting as agents for the department of behavioral
26 healthcare, developmental disabilities and hospitals and with the written permission of a parent or
27 guardian for individuals under eighteen (18) years of age, may purchase, with impunity from
28 prosecution, tobacco products, including ~~and~~ electronic nicotine-delivery system products, for the
29 purposes of law enforcement or government research involving monitoring compliance with this
30 chapter, provided that the underage individuals are supervised by an adult law enforcement official.
31 Any individual participating in an unannounced compliance check of over-the-counter or vending
32 machine sales, must state his or her accurate age if asked by the sales representative of the retail
33 establishment being checked.

34 (ii) In fulfilling the requirement of unannounced statewide compliance checks, the

1 department of behavioral healthcare, developmental disabilities and hospitals shall maintain
2 complete records of the unannounced compliance checks, detailing, at least, the date of the
3 compliance check; the name and address of the retail establishment checked or the mail order
4 company; the results of the compliance check (sale/no sale); whether the sale was made as an over-
5 the-counter sale, a mail-order purchase or a tobacco product, including and/or an electronic
6 nicotine-delivery ~~systems~~ system product vending machine sale; and if a citation was issued for
7 any violation found. The records shall be subject to public disclosure. Further, the department of
8 behavioral healthcare, developmental disabilities and hospitals shall report to the owner of each
9 retail establishment checked or mail-order company the results of any compliance check (sale/no
10 sale) whether the sale was made as an over-the-counter sale, a mail-order purchase, or a tobacco
11 and/or electronic nicotine-delivery ~~systems~~ system product vending machine sale, and if a citation
12 was issued for any violation found.

13 (5) Seek enforcement, concurrently with other state and local officials, of the penalties as
14 detailed in this chapter.

15 (6) Develop and disseminate community health education information and materials
16 relating to this chapter.

17 ~~**11-9-13.7. Signs concerning sales to individuals under age eighteen (18) Signs**~~
18 **concerning sales to individuals under age twenty-one (21).**

19 Signs provided by the department of behavioral healthcare, developmental disabilities and
20 hospitals, or an exact duplicate of it made privately, shall: (1) Contain in red bold lettering a
21 minimum of three-eighths (3/8") inch high on a white background the following wording in both
22 English and Spanish:

23 THE SALE OF ~~CIGARETTES~~,
24 TOBACCO PRODUCTS, INCLUDING CIGARETTES AND
25 ELECTRONIC NICOTINE-DELIVERY SYSTEM PRODUCTS
26 TO ~~PERSONS~~ INDIVIDUALS UNDER THE AGE OF ~~18~~ 21
27 IS AGAINST RHODE ISLAND LAW
28 (§ 11-9-13.8(1), Rhode Island Statutes)
29 PHOTO ID FOR PROOF OF AGE IS
30 REQUIRED FOR PURCHASE.

31 (2) Contain the phone number at the department of behavioral healthcare, developmental
32 disabilities and hospitals, where violations of §§ 11-9-13.2 -- 11-9-13.19 can be reported, in
33 addition to any other information required by the department of behavioral healthcare,
34 developmental disabilities and hospitals.

1 (3) Be displayed prominently for public view, wherever tobacco products, including
2 electronic nicotine-delivery system products, are sold at each cash register, each tobacco ~~and/or~~
3 product vending machine, including each electronic nicotine-delivery ~~systems~~ system product
4 vending machine, or any other place from which tobacco products, including electronic nicotine-
5 delivery system products, are sold. The signs shall be electronically available in both English and
6 Spanish online at the department of behavioral healthcare, developmental disabilities and hospitals'
7 website.

8 **11-9-13.8. Prohibitions applicable to license holders and their employees and agents.**

9 A person holding a license issued under chapter 20 of title 44 and/or § 23-1-56, or an
10 employee or agent of that person, is prohibited from selling, distributing, or delivering a tobacco
11 product, and/or including an electronic nicotine-delivery system product:

12 (1) To any individual who is under ~~eighteen (18)~~ twenty-one (21) years of age; or

13 (2) In any form other than an original, factory-wrapped package as sealed and certified by
14 the manufacturer; or

15 (3) As a single-cigarette sale (§ 44-20-31) or as a sale of cigarettes by the individual piece
16 known as "loosies."

17 **11-9-13.8.1. Signs concerning the health effects of tobacco.**

18 Signs provided by the department of behavioral healthcare, developmental disabilities and
19 hospitals, or an exact duplicate of it made privately, shall:

20 (1) Contain red bold lettering a minimum of one-quarters of an inch (1/4") high on a white
21 background the following wording, in both English and Spanish: WARNING: SMOKING
22 CIGARETTES CONTRIBUTES TO LUNG DISEASE, CANCER, HEART DISEASE, STROKE
23 AND RESPIRATORY ILLNESS AND DURING PREGNANCY MAY RESULT IN LOW
24 BIRTH WEIGHT AND PREMATURE BIRTH.

25 (2) The signs shall also include information regarding resources available to Rhode Island
26 residents who would like to quit smoking.

27 (3) The signs shall be displayed prominently for public view wherever tobacco products
28 are sold at each cash register, each tobacco vending machine, or any other place from which tobacco
29 products are sold. The signs shall be electronically available in both English and Spanish online at
30 the department of behavioral healthcare, developmental disabilities and hospitals' website.

31 (4) The department of behavioral healthcare, developmental disabilities and hospitals shall
32 have the power and authority to develop and disseminate signs pursuant to the requirements of this
33 section for other tobacco products, including electronic nicotine-delivery system products. The
34 messaging included in the signs shall be based on the most current scientific evidence.

1 **11-9-13.10. Prohibition on the distribution of free tobacco products** **Prohibition on**
2 **the distribution of free tobacco products, including electronic nicotine-delivery system**
3 **products.**

4 The distribution and/or redemption of free tobacco products, including ~~and~~ electronic
5 nicotine-delivery ~~systems~~ system products or coupons or vouchers redeemable for free or
6 discounted tobacco products, including ~~or~~ electronic nicotine-delivery system products, to any
7 ~~person~~ individual under ~~eighteen (18)~~ twenty-one (21) years of age shall be prohibited. Further, the
8 distribution and/or redemption of free tobacco products, including ~~or~~ electronic nicotine-delivery
9 ~~systems~~ system products or coupons or vouchers redeemable for free or discounted tobacco
10 products, or including electronic nicotine-delivery system products, shall be prohibited, regardless
11 of the age of the ~~person~~ individual to whom the products, coupons, or vouchers are distributed,
12 within five hundred feet (500') of any school. The attorney general, or any local or state of Rhode
13 Island police department, or their officers or agents, shall bring an action for any violation of this
14 section. Every separate, free or discounted tobacco product, including an ~~or~~ electronic nicotine-
15 delivery system product or coupon or voucher redeemable for a free or discounted tobacco product,
16 including an ~~or~~ electronic nicotine-delivery system or product, in violation of this section shall
17 constitute a separate offense subject to a fine of five hundred dollars (\$500). The penalty shall be
18 assessed against the ~~business~~ person or individual responsible for initiating the Rhode Island
19 distribution of the free or discounted tobacco products or , including electronic nicotine-delivery
20 ~~systems~~ system products or coupons or vouchers redeemable for free or discounted tobacco
21 products ~~or , including~~ electronic nicotine-delivery ~~systems~~ system products, and/or against the
22 person or individual responsible for the redemption of such coupons or vouchers.

23 **11-9-13.11. Prohibition on the sale or distribution of tobacco products through the**
24 **mail conveyance of tobacco products through the mail to children under eighteen (18) -- Proof**
25 **of age of purchaser required -- General rule** **Prohibition on the sale or distribution of tobacco**
26 **products, including electronic nicotine-delivery system products, through the mail --**
27 **Conveyance of tobacco products, including electronic nicotine-delivery system products,**
28 **through the mail to individuals under twenty-one (21) -- Proof of age of purchaser required -**
29 **- General rule.**

30 (a) The distribution, or sale or conveyance of tobacco products, including electronic
31 nicotine-delivery system products, to ~~children~~ individuals under the age of ~~eighteen (18)~~ twenty-
32 one (21) via the United States Postal Service, or by any other public or private postal or package
33 delivery service, shall be prohibited.

34 (b) Any person selling or distributing tobacco products in the form of little cigars as defined

1 in § 44-20.2-1, ~~pipe tobacco, chewing tobacco, or~~ snuff, any and all products defined in § 44-20-1,
2 or electronic nicotine-delivery system products directly to a consumer via the United States Postal
3 Service, or by any other public or private postal or package delivery service, including orders placed
4 by mail, telephone, facsimile, or internet, shall: (1) before distributing or selling the tobacco
5 product, including electronic nicotine-delivery system products, through any of these means,
6 receive both a copy of a valid form of government identification showing date of birth to verify the
7 purchaser is age ~~eighteen (18)~~ twenty-one (21) years or over and an attestation from the purchaser
8 certifying that the information on the government identification truly and correctly identifies the
9 purchaser and the purchaser's current address, and (2) deliver the tobacco product, including
10 electronic nicotine-delivery system products, to the address of the purchaser given on the valid
11 form of government identification and by a postal or package delivery service method that either
12 limits delivery to that purchaser and requires the purchaser to sign personally to receive the delivery
13 or requires a signature of ~~an adult~~ an individual age twenty-one (21) or over at the purchaser's
14 address to deliver the package.

15 (c) The attorney general shall bring an action for any violation of this chapter. Any
16 distribution, or sale or conveyance of a tobacco product, including electronic nicotine-delivery
17 system products, to ~~a child~~ an individual under ~~eighteen (18)~~ twenty-one (21) years of age via the
18 United States Postal Service, or by any other public or private postal or package delivery service,
19 shall be subject to an action against the distributor, or seller or conveyor by the attorney general of
20 the state of Rhode Island. A minimum fine of one thousand dollars (\$1,000) shall be assessed
21 against any distributor, or seller or conveyor convicted of distributing, or selling or conveying
22 tobacco products, including electronic nicotine-delivery system products, via the United States
23 postal service, or by any other public or private postal or package delivery service, for each
24 delivery, or sale or conveyance of a tobacco product, including electronic nicotine-delivery system
25 products, to ~~a child~~ an individual under ~~eighteen (18)~~ twenty-one (21) years of age.

26 (d) For the purpose of this section, "distribution," "distributing," "selling" and "sale" do not
27 include the acts of the United States Postal Service or other common carrier when engaged in the
28 business of transporting and delivering packages for others or the acts of a person, whether
29 compensated or not, who transports or delivers a package for another person without any reason to
30 know of the package's contents.

31 (e) Any delivery sale of cigarettes shall be made pursuant to the provisions of chapter 20.1
32 of title 44. The provisions of this section shall apply to each tobacco product listed in subsection
33 (b) herein, which include electronic nicotine-delivery system products, but shall not apply to any
34 delivery sale of cigarettes.

1 **11-9-13.13. Nature and size of penalties.**

2 (a) Any ~~person or individual~~ license holder who violates a requirement of §§ 11-9-13.6(2)
3 or 11-9-13.7, display of specific signage, shall be subject to a fine in court of not less than thirty-
4 five dollars (\$35.00), nor more than five hundred dollars (\$500), per civil violation.

5 (b) The license holder is responsible for all violations of this section that occur at the
6 location for which the license is issued. Any license holder who or that violates the prohibition of
7 §§ 11-9-13.8(1) ~~and/or (2)~~ or § 11-9-13.20 shall be subject to civil fines as follows:

8 (1) A fine of two hundred fifty dollars (\$250) for the first violation within any thirty-six-
9 month (36) period;

10 (2) A fine of five hundred dollars (\$500) for the second violation within any thirty-six-
11 month (36) period;

12 (3) A fine of one thousand dollars (\$1,000) and a fourteen-day (14) suspension of the
13 license to sell tobacco products or electronic nicotine-delivery systems for the third violation within
14 any thirty-six-month (36) period;

15 (4) A fine of one thousand five hundred dollars (\$1,500) and a ninety-day (90) suspension
16 of the license to sell tobacco products or electronic nicotine-delivery systems for each violation in
17 excess of three (3).

18 (c) Any person who or that violates a prohibition of § 11-9-13.8(3), sale of single cigarettes;
19 or § 11-9-13.8(2), regarding factory-wrapped packs as sealed and certified by the manufacturer;
20 shall be subject to a penalty of five hundred dollars (\$500) for each violation.

21 (d) The department of taxation and/or the department of health shall not issue a license to
22 any individual, business, firm, fiduciary, partnership, trust, association, or corporation, the license
23 of which has been revoked or suspended; to any corporation, an officer of which has had his or her
24 license revoked or suspended; or to any individual who is, or has been, an officer of a corporation
25 the license of which has been revoked or suspended so long as such revocations or suspensions are
26 in effect.

27 (e) The court ~~shall~~ may suspend the imposition of a license suspension of the license
28 secured from the Rhode Island tax administrator or department of health for a violation of
29 subsections (b)(3) and (b)(4) of this section if the court finds that the license holder has taken
30 measures to prevent the sale of tobacco products, and/or including electronic nicotine-delivery
31 ~~systems~~ system products, to ~~minors~~ an underage individual and the license holder can demonstrate
32 to the court that those measures have been taken and that employees have received training. No
33 person or individual shall sell tobacco products, ~~and/or~~ including electronic nicotine-delivery
34 system products, at retail without first being trained in the legal sale of tobacco products, including

1 ~~and/or~~ electronic nicotine-delivery system products. Training shall teach employees what
2 constitutes a tobacco product, including an ~~and/or~~ electronic nicotine-delivery system product;
3 legal age of ~~purchase sale~~; acceptable identification; how to refuse a direct sale to ~~a minor~~ an
4 underage individual or secondary sale to ~~an adult~~ an individual twenty-one (21) years or older; and
5 all applicable laws on tobacco sales and distribution. Dealers shall maintain records indicating that
6 the provisions of this section were reviewed with all employees who conduct, or will conduct,
7 tobacco product sales, including ~~and/or~~ electronic nicotine-delivery ~~systems~~ system product sales.
8 Each employee who sells or will sell tobacco products, and/or including electronic nicotine-
9 delivery system products, shall sign an acknowledgement form attesting that the provisions of this
10 section were reviewed with him or her. Each form shall be maintained by the retailer for as long as
11 the employee is so employed and for no less than one year after termination of employment. The
12 measures to prevent the sale of tobacco products, including ~~and/or~~ electronic nicotine-delivery
13 ~~systems~~ system products, to ~~minors~~ underage individuals shall be defined by the department of
14 behavioral healthcare, developmental disabilities and hospitals in rules and regulations.

15 SECTION 2. Chapter 11-9 of the General Laws entitled "Children" is hereby amended by
16 adding thereto the following section:

17 **11-9-14.1. Compliance with federal statutes and regulations.**

18 The provisions of §§ 11-9-13, 11-9-13.1, 11-9-13.4, 11-9-13.6, 11-9-13.7, 11-9-13.8, 11-
19 9-13.10, 11-9-13.11, and 11-9-13.12 shall be interpreted so as not to be less restrictive than the
20 Federal Food, Drug and Cosmetic Act, 21 U.S.C. 387 et seq., including 21 U.S.C. 387 f(d), or than
21 Section 1926 of the Federal Public Health Service Act, 42 U.S.C. 300x-26, or than any regulation
22 promulgated or updated by the United States Food and Drug Administration or the United States
23 Secretary of Health and Human Services arising from the acts; so as to comply with the provisions
24 of the acts and related regulations in regard to prohibiting the sale of tobacco products, including
25 electronic nicotine-delivery system products to individuals under the age of twenty-one (21) years;
26 and so that the state may maintain qualification for federal funding regarding tobacco, the use and
27 cessation of tobacco, including electronic nicotine-delivery system products. Nothing herein shall
28 prohibit the state from enacting a statute or promulgating a regulation that is more restrictive than
29 any provision of 21 U.S.C. 387 et seq., or any provision of 42 U.S.C. 300x-26.

30 SECTION 3. Section 11-9-14 of the General Laws in Chapter 11-9 entitled "Children" is
31 hereby repealed.

32 **~~11-9-14. Use of tobacco by minors:~~**

33 ~~No person under eighteen (18) years of age shall use or possess, when such possession is~~
34 ~~clearly visible, tobacco in any public street, place, or resort, any tobacco and/or electronic nicotine~~

1 ~~delivery system in any form whatsoever. Any person under eighteen (18) years of age violating the~~
2 ~~provisions of this section shall be required to perform up to thirty (30) hours of community service~~
3 ~~or shall be required to enter into a tobacco treatment program, approved by any local substance~~
4 ~~abuse prevention task force, at the option of a minor charged with a violation of this section.~~

5 SECTION 4. This act shall take effect upon passage.

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LC000958/SUB A/2
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL OFFENSES -- CHILDREN

1 This act would raise the legal age for individuals to be sold or delivered certain tobacco
2 products, including electronic nicotine-delivery systems products from eighteen (18) years of age
3 to twenty-one (21) years of age.

4 This act would take effect upon passage.

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