

SENATE BILL NO. 66

INTRODUCED BY D. SANDS

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE YOUTH ACCESS TO TOBACCO PRODUCTS CONTROL ACT; DEFINING "ELECTRONIC SMOKING DEVICE"; REVISING THE DEFINITION OF "TOBACCO PRODUCT"; AMENDING SECTION 16-11-302, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 16-11-302, MCA, is amended to read:

**"16-11-302. Definitions.** For the purposes of 16-11-301 through 16-11-308, the following definitions apply:

(1) "Distribute" means:

(a) to give, deliver, sample, or sell;

(b) to offer to give, deliver, sample, or sell; or

(c) to cause or hire another person to give, deliver, sample, or sell or offer to give, deliver, sample, or sell.

(2) "Electronic smoking device" means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to inhale vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or under any other product name or descriptor, and includes any component part of the product whether or not sold separately. The term does not include drugs, devices, or combination products approved for sale by the United States food and drug administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

~~(2)~~(3) "Health warning" means a tobacco product label required by federal law and intended to alert users of the product to the health risks associated with tobacco use. The term includes warning labels required under the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act of 1986.

~~(3)~~(4) "License" means a retail tobacco product sales license.



1           ~~(4)~~(5) "Person" means a natural person, company, corporation, firm, partnership, organization, or other  
2 legal entity.

3           ~~(5)~~(6) "Tobacco product" means a substance intended for human consumption that contains tobacco  
4 or nicotine that can be ingested into the body by chewing, absorbing, dissolving, or any other means. The term  
5 includes cigarettes, cigars, an electronic smoking device, snuff, smoking tobacco, and smokeless tobacco. The  
6 term does not include drugs, devices, or combination products approved for sale by the United States food and  
7 drug administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act."

8

9           NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

10

- END -