

2021 -- H 6396

LC002963

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO HEALTH AND SAFETY -- TOBACCO PRODUCT SALES' RESTRICTIONS

Introduced By: Representatives Tanzi, Cortvriend, Williams, Ranglin-Vassell, Carson, Henries, Ruggiero, Abney, Felix, and Alzate

Date Introduced: June 04, 2021

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-1-58 of the General Laws in Chapter 23-1 entitled "Department  
2 of Health" is hereby amended to read as follows:

3 **23-1-58. ~~Penalty for operating without a dealer license~~ Penalty for operating without**  
4 **a dealer license and other sales' restriction violations.**

5 (a) Any individual or business who violates this chapter by selling or conveying an  
6 electronic nicotine-delivery system product without a retail license, or any dealer who sells or offers  
7 to sell an electronic nicotine-delivery system in violation of § 23-1-60, shall be cited for that  
8 violation and shall be required to appear in district court for a hearing on the citation.

9 (b) Any individual or business cited for a violation hereunder shall:

10 (1) Either post a five hundred dollar (\$500) bond with the district court within ten (10) days  
11 of the citation; or

12 (2) Sign and accept the citation indicating a promise to appear in court.

13 (c) An individual or business who or that has accepted the citation may:

14 (1) Pay the five hundred dollar (\$500) fine, either by mail or in person, within ten (10) days  
15 after receiving the citation; or

16 (2) If that individual or business has posted a bond, forfeit the bond by not appearing at the  
17 scheduled hearing. If the individual or business cited pays the five hundred dollar (\$500) fine or  
18 forfeits the bond, that individual or business is deemed to have admitted the cited violation and to  
19 have waived the right to a hearing on the issue of commission on the violation.

1 (d) The court, after a hearing on a citation, shall make a determination as to whether a  
2 violation has been committed. If it is established that the violation did occur, the court shall impose  
3 a five hundred dollar (\$500) fine in addition to any court costs or fees.

4 SECTION 2. Chapter 23-1 of the General Laws entitled "Department of Health" is hereby  
5 amended by adding thereto the following sections:

6 **23-1-59. Tobacco product sales' restrictions -- Definitions.**

7 Whenever used in this chapter, unless the context requires otherwise:

8 (1) "Contraband" means any electronic nicotine-delivery system or tobacco product found  
9 to be in violation of any provision of this chapter.

10 (2) "Electronic nicotine-delivery system" means the products as defined in § 11-9-13.4.

11 (3) "Flavored product" means any electronic nicotine-delivery system or tobacco product  
12 that imparts a distinguishable taste or aroma, other than the taste or smell of tobacco, either prior  
13 to, or during, consumption of the product, including, but not limited to, tastes or aromas relating to  
14 any fruit, mint, menthol, wintergreen, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic  
15 beverage, herb or spice. The determination of whether a product is flavored shall not be based  
16 solely on the use of additives, flavorings, or particular ingredients, but shall instead consider all  
17 aspects of the final product including, but not limited to, taste, flavor and aroma, product labeling,  
18 and advertising statements. A product shall be presumed to be flavored if a dealer or distributor has  
19 made a statement or claim directed to consumers or the public about such flavor, whether expressed  
20 or implied, that it has a distinguishable taste or aroma (other than the taste or aroma of tobacco).

21 (4) "Tobacco product" means the products as defined in § 11-9-13.4.

22 **23-1-60. Flavored product sales' restrictions.**

23 (a) The sale or offer for sale of any flavored products to consumers within the state of  
24 Rhode Island is hereby prohibited. Compassion centers and licensed cultivators registered with the  
25 Rhode Island department of business regulations shall be exempt from this provision.

26 (b) Any electronic nicotine-delivery system or tobacco product found to be in violation of  
27 this chapter shall be considered contraband and subject to the confiscation provisions outlined in §  
28 44-20-15.

29 (c) Any dealer found to be selling or offering for sale an electronic nicotine-delivery system  
30 or tobacco product in violation of this chapter shall be subject to the penalties outlined in §§ 23-1-  
31 58, 44-20-35, 44-20-51, or 44-20-51.1.

32 SECTION 3. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would prohibit the sale of certain flavored tobacco products and electronic  
2 nicotine-delivery systems.

3           This act would take effect upon passage.

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