

Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

CHAPTER 245

SENATE BILL 1209

AN ACT

AMENDING SECTION 13-3622, ARIZONA REVISED STATUTES; RELATING TO
TOBACCO-DERIVED PRODUCTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3622, Arizona Revised Statutes, is amended to
3 read:

4 13-3622. Furnishing of tobacco product, vapor product or
5 tobacco or shisha instruments or paraphernalia to
6 minor; minor accepting or receiving tobacco product,
7 vapor product or tobacco or shisha instruments or
8 paraphernalia; illegally obtaining tobacco product,
9 vapor product or tobacco or shisha instruments or
10 paraphernalia by underage person; classification;
11 definitions

12 A. A person who knowingly sells, gives or furnishes a tobacco product,
13 A VAPOR PRODUCT or any instrument or paraphernalia that is solely designed
14 for the smoking or ingestion of tobacco or shisha, including a hookah or
15 waterpipe, to a minor is guilty of a petty offense.

16 B. A minor who buys, or has in his possession or knowingly accepts or
17 receives from any person, a tobacco product, A VAPOR PRODUCT or any
18 instrument or paraphernalia that is solely designed for the smoking or
19 ingestion of tobacco or shisha, including a hookah or waterpipe, is guilty of
20 a petty offense, and if the offense involves any instrument or paraphernalia
21 that is solely designed for the smoking or ingestion of tobacco or shisha,
22 shall pay a fine of not less than one hundred dollars or perform not less
23 than thirty hours of community restitution.

24 C. A minor who misrepresents the minor's age to any person by means
25 of a written instrument of identification with the intent to induce the
26 person to sell, give or furnish a tobacco product, A VAPOR PRODUCT or any
27 instrument or paraphernalia that is solely designed for the smoking or
28 ingestion of tobacco or shisha, including a hookah or waterpipe, in violation
29 of subsection A or B of this section is guilty of a petty offense and,
30 notwithstanding section 13-802, shall pay a fine of not more than five
31 hundred dollars.

32 D. This section does not apply to any of the following:

33 1. Cigars, cigarettes or cigarette papers, smoking or chewing tobacco
34 or any instrument or paraphernalia that is solely designed for the smoking or
35 ingestion of tobacco or shisha, including a hookah or waterpipe, if it is
36 used or intended to be used in connection with a bona fide practice of a
37 religious belief and as an integral part of a religious or ceremonial
38 exercise.

39 2. Any instrument or paraphernalia that is solely designed for the
40 smoking or ingestion of tobacco or shisha, including a hookah or waterpipe,
41 that is given to or possessed by a minor if the instrument or paraphernalia
42 was a gift or souvenir and is not used or intended to be used by the minor to
43 smoke or ingest tobacco or shisha.

- 1 E. For the purposes of this section:
2 1. "Shisha" includes any mixture of tobacco leaf and honey, molasses
3 or dried fruit or any other sweetener.
4 2. "Tobacco product" means any of the following:
5 (a) Cigars.
6 (b) Cigarettes.
7 (c) Cigarette papers of any kind.
8 (d) Smoking tobacco of any kind.
9 (e) Chewing tobacco of any kind.
10 3. "VAPOR PRODUCT" MEANS A NONCOMBUSTIBLE TOBACCO-DERIVED PRODUCT
11 CONTAINING NICOTINE THAT EMPLOYS A MECHANICAL HEATING ELEMENT, BATTERY OR
12 CIRCUIT, REGARDLESS OF SHAPE OR SIZE, THAT CAN BE USED TO HEAT A LIQUID
13 NICOTINE SOLUTION CONTAINED IN CARTRIDGES. VAPOR PRODUCT DOES NOT INCLUDE
14 ANY PRODUCT THAT IS REGULATED BY THE UNITED STATES FOOD AND DRUG
15 ADMINISTRATION UNDER CHAPTER V OF THE FEDERAL FOOD, DRUG AND COSMETIC ACT.

APPROVED BY THE GOVERNOR JUNE 20, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 21, 2013.

Passed the House June 14, 2013,

Passed the Senate February 14, 2013,

by the following vote: 44 Ayes,

by the following vote: 28 Ayes,

14 Nays, 2 Not Voting

0 Nays, 2 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

Cheryl Laube
Chief Clerk of the House

Chamain Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

17 day of June, 2013,

at 8:25 o'clock A M.

Michelle Howard
Secretary to the Governor

Approved this 20th day of

June, 2013,

at 3:05 o'clock P. M.

Janie J. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 21st day of June, 2013,

at 9:17 o'clock A. M.

[Signature]
Secretary of State

S.B. 1209