

**HOUSE . . . . . No. 2434**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*James Arciero*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act preventing the use of alternative nicotine products and vapor products by minors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>1/16/2015</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>	<i>11/7/2019</i>

**HOUSE . . . . . No. 2434**

By Mr. Arciero of Westford, a petition (accompanied by bill, House, No. 2434) of James Arciero and Rady Mom relative to the excise tax on alternative nicotine products and vapor products and further prohibiting the use of said products by minors. Revenue.

**The Commonwealth of Massachusetts**

**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**

An Act preventing the use of alternative nicotine products and vapor products by minors.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 1 of chapter 64C of the General Laws is hereby amended by  
2 inserting after the words “smokeless tobacco”, in lines 6-7, the following words: -

3 , but shall not include any alternative nicotine product, vapor product, or product  
4 regulated as a drug or device by the United States Food and Drug Administration under Chapter  
5 V of the Food, Drug And Cosmetic Act

7 SECTION 2. Section 1 of chapter 64C of the General Laws is hereby amended by  
8 adding the following paragraph: -

9 Whenever used in this chapter, the term “alternative nicotine product” shall mean  
10 any non-combustible product containing nicotine that is intended for human consumption,  
11 whether chewed, absorbed, dissolved or ingested by any other means; “alternative nicotine

12 product” does not include any tobacco product, vapor product, or any product regulated as a drug  
13 or device by the United States Food and Drug Administration under Chapter V of the Food, Drug  
14 And Cosmetic Act. Whenever used in this chapter, the term “vapor product” shall mean any  
15 non-combustible product containing nicotine that employs a heating element, power source,  
16 electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size,  
17 that can be used to produce vapor from nicotine in a solution or other form; “vapor product”  
18 includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar  
19 product or device and any vapor cartridge or other container of nicotine in a solution or other  
20 form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic  
21 cigarillo, electronic pipe, or similar product or device; “vapor product” does not include any  
22 product regulated as a drug or device by the United States Food and Drug Administration under  
23 Chapter V of the Food, Drug And Cosmetic Act.

24 SECTION 3. Section 10 of chapter 64C of the General Laws is hereby amended by  
25 striking out, in lines 35-36, the words “sell a cigarette to a person under eighteen or, not being  
26 his parent or guardian, give a cigarette or snuff or tobacco in any form” and inserting in place  
27 thereof the following words: -

28 sell a cigarette, tobacco product, alternative nicotine product, or vapor product to  
29 a person under eighteen or, not being his parent or guardian, give a cigarette or snuff or tobacco  
30 product in any form, alternative nicotine product, or vapor product

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32 SECTION 4. Section 2A of chapter 71 of the General Laws is hereby amended by  
33 striking out, in lines 2-3, the words “of any type on school grounds during normal school hours”  
34 and inserting in place thereof the following words:

35 , alternative nicotine products, or vapor products of any type on school grounds  
36 during normal school hours. As used in this section, the terms “alternative nicotine product” and  
37 “vapor product” shall have the same meanings as in section one of chapter sixty-four C.

38

39 SECTION 5. Section 37H of chapter 71 of the General Laws is hereby amended by  
40 inserting after the word “products”, in line 3, the following words: -

41 , alternative nicotine products, or vapor products, as such terms are defined in  
42 section 2A of this chapter,

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44 SECTION 6. Chapter 270 of the General Laws is hereby amended by striking out section  
45 6, as appearing in the 2012 Official Edition, and inserting in place thereof the following section:

46 -

47 Section 6. Whoever sells a cigarette, chewing tobacco, snuff or any tobacco in  
48 any of its forms, an alternative nicotine product or a vapor product to any person under the age of  
49 eighteen or, not being his parent or guardian, gives a cigarette, chewing tobacco, snuff or tobacco  
50 in any of its forms, an alternative nicotine product or a vapor product to any person under the age  
51 of eighteen shall be punished by a fine of not less than one hundred dollars for the first offense,  
52 not less than two hundred dollars for a second offense and not less than three hundred dollars for

- 53 any third or subsequent offense. As used in this section, the terms “alternative nicotine product”
- 54 and “vapor product” shall have the same meanings as in section one of chapter sixty-four C.