

### 3rd Sub. H.B. 71

## NICOTINE PRODUCT RESTRICTIONS

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 4, 2010 9:40 PM

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Representative **Phil Riesen** proposes the following amendments:

1. *Page 12, Lines 340 through 349:*

340           76-10-3003. Provision of nicotine product prohibited.

341           (1) Except as provided in Subsection (2) **or (3)** , a person who provides a nicotine product to  
342 another is guilty of a class C misdemeanor on the first offense and a class B misdemeanor on  
343 each subsequent offense.

344           (2) Subsection (1) does not apply if the nicotine product is:

345           (a) (i) approved by the United States Food and Drug Administration for nicotine  
346 replacement therapy or other medical purposes; and

347           (ii) provided for the purpose for which it is approved; or

348           (b) approved by the United States Food and Drug Administration for general consumer  
349 use other than a use described in Subsection (2)(a)(i).

**(3) (a) As used in this section, "electronic cigarette" means any device, other than a cigarette or cigar, intended to deliver vapor containing nicotine into a person's respiratory system.**

**(b) A person is not guilty of an offense under this section if the nicotine product is produced to be, and intended to be, used only to produce vapor in an electronic cigarette.**