

## AN ACT

ENTITLED, An Act to define vapor products as tobacco products for the purpose of regulating the use of the products by minors and to place certain restrictions on the sale of vapor products.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 34-46 be amended by adding thereto a NEW SECTION to read as follows:

For the purposes of §§ 34-46-2 to 34-46-6, inclusive, and this Act, the term, tobacco product, includes vapor product. The term, vapor product, means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. The term, vapor product, includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. The term, vapor product, does not include any product approved by the United States Food and Drug Administration for sale as tobacco cessation products and marketed and sold solely for that purpose.

Section 2. That chapter 34-46 be amended by adding thereto a NEW SECTION to read as follows:

No person may sell a vapor product other than in an unopened package originating with the manufacturer and depicting the warning labels required by federal law, or sell a vapor product through self-service display other than a display that is:

- (1) A vending machine permitted under subdivision 34-46-2(5); or
- (2) Located in a tobacco specialty store.

A violation of this section is a Class 2 misdemeanor. A person is not liable for more than one violation of this section on a single day.

An Act to define vapor products as tobacco products for the purpose of regulating the use of the products by minors and to place certain restrictions on the sale of vapor products.

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I certify that the attached Act originated in the

SENATE as Bill No. 181

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 181  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State