

AMENDMENTS TO LB397

(Amendments to E&R amendments, ER130)

Introduced by Briese, 41.

1 1. Strike section 2 and insert the following new section:

2 Sec. 2. Section 28-1418.01, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 28-1418.01 For purposes of sections 28-1418 to 28-1429.03:

5 (1) Alternative nicotine product means any noncombustible product  
6 containing nicotine that is intended for human consumption, whether  
7 chewed, absorbed, dissolved, or ingested by any other means. Alternative  
8 nicotine product does not include any electronic nicotine delivery system  
9 ~~vapor product~~, cigarette, cigar, or other tobacco product, or any product  
10 regulated as a drug or device by the United States Food and Drug  
11 Administration under Chapter V of the Federal ~~federal~~ Food, Drug, and  
12 Cosmetic Act;

13 (2)(a) Electronic nicotine delivery system means any product or  
14 device containing nicotine, tobacco, or tobacco derivatives that employs  
15 a heating element, power source, electronic circuit, or other electronic,  
16 chemical, or mechanical means, regardless of shape or size, to simulate  
17 smoking by delivering the nicotine, tobacco, or tobacco derivatives in  
18 vapor, fog, mist, gas, or aerosol form to a person inhaling from the  
19 product or device.

20 (b) Electronic nicotine delivery system includes, but is not limited  
21 to, the following:

22 (i) Any substance containing nicotine, tobacco, or tobacco  
23 derivatives, whether sold separately or sold in combination with a  
24 product or device that is intended to deliver to a person nicotine,  
25 tobacco, or tobacco derivatives in vapor, fog, mist, gas, or aerosol  
26 form;

1           (ii) Any product or device marketed, manufactured, distributed, or  
2 sold as an electronic cigarette, electronic cigar, electronic cigarillo,  
3 electronic pipe, electronic hookah, or similar products, names,  
4 descriptors, or devices; and

5           (iii) Any component, part, or accessory of such a product or device  
6 that is used during operation of the product or device when sold in  
7 combination with any substance containing nicotine, tobacco, or tobacco  
8 derivatives.

9           (c) Electronic nicotine delivery system does not include the  
10 following:

11           (i) An alternative nicotine product, cigarette, cigar, or other  
12 tobacco product, or any product regulated as a drug or device by the  
13 United States Food and Drug Administration under Chapter V of the Federal  
14 Food, Drug, and Cosmetic Act; or

15           (ii) Any component, part, or accessory of such a product or device  
16 that is used during operation of the product or device when not sold in  
17 combination with any substance containing nicotine, tobacco, or tobacco  
18 derivatives;

19           (3) ~~(2)~~ Self-service display means a retail display that contains a  
20 tobacco product, a tobacco-derived product, an electronic nicotine  
21 delivery system a vapor product, or an alternative nicotine product and  
22 is located in an area openly accessible to a retailer's customers and  
23 from which such customers can readily access the product without the  
24 assistance of a salesperson. Self-service display does not include a  
25 display case that holds tobacco products, tobacco-derived products,  
26 electronic nicotine delivery systems vapor products, or alternative  
27 nicotine products behind locked doors; and

28           (4) ~~(3)~~ Tobacco specialty store means a retail store that (a)  
29 derives at least seventy-five percent of its revenue from tobacco  
30 products, tobacco-derived products, electronic nicotine delivery systems  
31 vapor products, or alternative nicotine products and (b) does not permit

1 minors under the age of eighteen years to enter the premises unless  
2 accompanied by a parent or legal guardian. ~~;~~ and

3 ~~(4) Vapor product means any noncombustible product containing~~  
4 ~~nicotine that employs a heating element, power source, electronic~~  
5 ~~circuit, or other electronic, chemical, or mechanical means, regardless~~  
6 ~~of shape or size, that can be used to produce vapor from nicotine in a~~  
7 ~~solution or other form. Vapor product includes any electronic cigarette,~~  
8 ~~electronic cigar, electronic cigarillo, electronic pipe, or similar~~  
9 ~~product or device and any vapor cartridge or other container of nicotine~~  
10 ~~in a solution or other form that is intended to be used with or in an~~  
11 ~~electronic cigarette, electronic cigar, electronic cigarillo, electronic~~  
12 ~~pipe, or similar product or device. Vapor product does not include an~~  
13 ~~alternative nicotine product, cigarette, cigar, or other tobacco product,~~  
14 ~~or any product regulated as a drug or device by the United States Food~~  
15 ~~and Drug Administration under Chapter V of the federal Food, Drug, and~~  
16 ~~Cosmetic Act.~~