



Bill Number: S.B. 1009

Carter Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

1. Exempts electronic smoking devices from the definition of tobacco product as it relates to the prohibition on delivery sales.
2. Requires retailers that engage in delivery sales of electronic smoking devices to implement age verification through an independent, third-party verification service to verify purchasers are at least 21 years of age.
3. Outlines requirements for retailers that engage in the delivery sales of electronic smoking devices, including registration with the Attorney General's Office.

Amendment explanation prepared by Alanna Bendel

02/11/2019

CARTER FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1009
(Reference to printed bill)

1 Page 5, line 25, strike "AND INCLUDES AN ELECTRONIC SMOKING DEVICE"

2 Line 26, strike "or" insert a comma; after "cigars" insert "OR ELECTRONIC

3 SMOKING DEVICES"

4 After line 26, insert:

5 "Sec. 4. Title 36, chapter 6, article 14, Arizona Revised Statutes,

6 is amended by adding section 36-798.07, to read:

7 36-798.07. Delivery sales; electronic smoking devices; age

8 verification service; registration; warning

9 A. A RETAILER THAT SELLS, OFFERS FOR SALE, GIVES OR FURNISHES AN

10 ELECTRONIC SMOKING DEVICE TO ANOTHER PERSON BY MAIL OR DELIVERY SERVICE,

11 THROUGH AN INTERNET OR A COMPUTER NETWORK, BY TELEPHONE OR THROUGH ANY

12 OTHER ELECTRONIC METHOD MUST USE AN INDEPENDENT, THIRD-PARTY AGE

13 VERIFICATION SERVICE THAT COMPARES INFORMATION THAT IS AVAILABLE FROM

14 PUBLIC RECORDS TO THE PERSONAL INFORMATION THAT IS ENTERED BY THE PERSON

15 DURING THE ORDERING PROCESS AND THAT ESTABLISHES THAT THE PERSON IS

16 TWENTY-ONE YEARS OF AGE OR OLDER.

17 B. A RETAILER THAT ENGAGES IN THE DELIVERY SALES OF AN ELECTRONIC

18 SMOKING DEVICE AS PRESCRIBED BY SUBSECTION A OF THIS SECTION MUST DO THE

19 FOLLOWING:

20 1. REGISTER WITH THE ATTORNEY GENERAL'S OFFICE. THE RETAILER MUST

21 PROVIDE THE FOLLOWING INFORMATION TO THE ATTORNEY GENERAL'S OFFICE:

22 (a) THE INDIVIDUAL'S FULL NAME.

23 (b) THE RETAILER'S TRADE NAME, IF ANY.

24 (c) THE ADDRESS OF THE RETAILER'S PRINCIPAL PLACE OF BUSINESS AND OF

25 ANY OTHER PLACE OF BUSINESS.

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1 (d) THE TELEPHONE NUMBER FOR EACH PLACE OF BUSINESS THAT IS LISTED
2 IN SUBDIVISION (c) OF THIS PARAGRAPH.

3 (e) THE RETAILER'S E-MAIL ADDRESS.

4 (f) THE RETAILER'S WEBSITE ADDRESS.

5 (g) THE NAME, ADDRESS AND TELEPHONE NUMBER FOR ANY AGENT IN THIS
6 STATE THAT IS AUTHORIZED TO ACCEPT SERVICE ON BEHALF OF THE RETAILER THAT
7 IS REGISTERING.

8 2. INCLUDE ON THE OUTSIDE OF EACH SHIPPING CONTAINER THAT CONTAINS
9 AN ELECTRONIC SMOKING DEVICE THE FOLLOWING WARNING IN A CLEAR AND
10 CONSPICUOUS MANNER:

11 ARIZONA LAW PROHIBITS THE SALE OF ELECTRONIC SMOKING
12 DEVICES TO A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE AND
13 REQUIRES THE PAYMENT OF ALL APPLICABLE TAXES. YOU ARE
14 LEGALLY RESPONSIBLE FOR ALL APPLICABLE UNPAID TAXES ON THESE
15 PRODUCTS."

16 Amend title to conform

HEATHER CARTER

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02/07/2019
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C: SP