

HOUSE BILL 591

By Atchley

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 15 and Title 43, Chapter 27, Part 2, relative to youth access to age-restricted products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-1503, is amended by deleting subdivision (11) and substituting:

(11) "Retail vapor product store" means a retail store that sells vapor products and accessories and affirmatively permits access to its buildings or facilities at all times to only those persons who are twenty-one (21) years of age or older;

SECTION 2. Tennessee Code Annotated, Section 39-17-1504, is amended by designating subsection (b) as subdivision (b)(1) and adding the following new subdivision (b)(2):

(2) It is unlawful for a person to sell a vapor product in an establishment other than a retail vapor product store, except that:

(A) It is lawful for a vapor product containing a hemp-derived cannabinoid to be sold by a retailer in accordance with title 43, chapter 27, part 2; and

(B) It is lawful for a retail establishment other than a retail vapor product store to sell a cartridge-based vapor product or vapor cartridge that is not flavored or that is a traditional cigarette flavor such as tobacco or menthol.

SECTION 3. Tennessee Code Annotated, Section 39-17-1504, is amended by deleting subsection (d) and substituting:

(d) A person engaged in the sale or distribution of a tobacco, smoking hemp, vapor product, or smokeless nicotine product shall demand proof of age from a

prospective purchaser or recipient regardless of age or appearance of age. In the case of distribution by mail, the distributor of a tobacco, smoking hemp, vapor product, or smokeless nicotine product shall obtain from the addressee an affirmative statement that the person is twenty-one (21) years of age or older, and shall inform the recipient that the person is strictly prohibited from distributing any tobacco, smoking hemp, vapor product, or smokeless nicotine product, as defined by this part, to any person under twenty-one (21) years of age.

SECTION 4. Tennessee Code Annotated, Section 39-17-1504, is amended by adding the following new subsection:

(e) A person engaged in the sale or distribution of vapor products at a retail vapor product store shall demand proof of age from a person who enters the retail vapor product store as soon as practicable upon entering the building or facility regardless of age or appearance of age.

SECTION 5. Tennessee Code Annotated, Section 39-17-1506, is amended by deleting subsection (a) and substituting:

(a) Every person who sells tobacco, smoking hemp, vapor products, or smokeless nicotine products at retail shall post conspicuously and keep so posted at the place of business a sign, no smaller than ninety-three and one-half square inches (93 1/2 sq. in.), to ensure that it is likely to be read at each point of sale, stating the following:

STATE LAW STRICTLY PROHIBITS THE SALE OF TOBACCO  
PRODUCTS, VAPOR PRODUCTS, SMOKELESS NICOTINE PRODUCTS, OR  
SMOKING PARAPHERNALIA TO PERSONS UNDER THE AGE OF TWENTY-  
ONE (21) YEARS. PROOF OF AGE IS REQUIRED.

SECTION 6. Tennessee Code Annotated, Section 39-17-1506, is amended by deleting subsection (b) and substituting:

(1) Except as provided in subdivision (b)(2), unless another notice is required by federal law, the notice required by subsection (a) and the notice required by § 39-15-411 are the only notices regarding tobacco, smoking hemp, vapor products, or smokeless nicotine products required to be posted or maintained in a store that sells tobacco, smoking hemp, vapor products, or smokeless nicotine products at retail.

(2) In addition to posting the notices required by subsection (a), each person who sells vapor products at a retail vapor product store shall post conspicuously and keep so posted at the place of business a sign, no smaller than ninety-three and one-half square inches (93 1/2 sq. in.) to ensure that the sign is likely to be read prior to entry of the facility or building, stating the following:

STATE LAW STRICTLY PROHIBITS ENTRY OF PERSONS UNDER  
THE AGE OF TWENTY-ONE (21) YEARS AT THIS PLACE OF BUSINESS.  
PROOF OF AGE IS REQUIRED UPON ENTRY.

A person required to post both notices under subsection (a) and this subdivision (b)(2) may incorporate both notices into a single sign.

SECTION 7. Tennessee Code Annotated, Section 39-17-1507(a), is amended by deleting "vapor products,"; and is further amended by deleting subsection (b) and substituting:

(b) In any place where supervision of a vending machine, or operation by token is required by this section, the person responsible for that supervision or the sale of the token shall demand proof of age from a prospective purchaser regardless of age or appearance of age.

SECTION 8. Tennessee Code Annotated, Section 39-17-1507, is amended by designating the existing section as subsection (a) and adding the following subsection (b):

(b) It is unlawful for a person to sell vapor products through a vending machine unless the vending machine is located in any of the following locations:

(1) In areas of factories, businesses, offices, or other places that are not open to the public;

(2) In places that are open to the public but to which persons under twenty-one (21) years of age are denied access; or

(3) In retail vapor product stores; provided, that a retail establishment that is not a retail vapor product store may sell cartridge-based vapor products or vapor cartridges that are not flavored or that are a traditional cigarette flavor, such as tobacco or menthol, through a vending machine if the machine is under the continuous supervision of the owner or lessee of the premises or an employee of the owner or lessee of the premises, or the machine can be operated only by the use of a token purchased from the owner or lessee of the premises or an employee of the owner or lessee of the premises prior to each purchase, and is inaccessible to the public when the establishment is closed.

SECTION 9. Tennessee Code Annotated, Section 39-17-1509, is amended by deleting subsection (e) and substituting:

(1) The owner or manager of a store that sells tobacco, smoking hemp, vapor products, or smokeless nicotine products at retail shall provide training to the store's employees concerning this part. As part of the training, each employee shall, prior to selling tobacco, smoking hemp, vapor products, or smokeless nicotine products at retail, sign a statement containing substantially the following words:

I understand that state law prohibits the sale of tobacco, smoking hemp, vapor products, or smokeless nicotine products to persons under twenty-one (21) years of age and that state law requires me to obtain proof of age from a prospective purchaser of tobacco, smoking hemp, vapor products, or smokeless nicotine products regardless of age or appearance of age. I promise to obey this law, and

I understand that monetary or criminal penalties may be imposed on me if I violate this law.

(2) In addition to signing the statement as required under subdivision (e)(1), each employee of a retail vapor product store shall sign a statement containing substantially the following words:

I understand that state law prohibits entry of persons under twenty-one (21) years of age at this store and that state law requires me to obtain proof of age as soon as practicable upon entry of the store from each person regardless of age or appearance of age. I promise to obey this law, and I understand that monetary or criminal penalties may be imposed on me if I violate this law.

(3) If the commissioner assesses a penalty against the store owner or manager, the owner or manager may present to the commissioner a copy of the statements described in subdivisions (e)(1) and (2) that were signed by the employee who made the sale or, where applicable, allowed the continued presence in the store of a person under twenty-one (21) years of age, along with a sworn statement by the store owner or manager that the employee had signed the statement prior to the sale or incident, and the name and address of the employee who made the sale or, where applicable, allowed the continued presence of the person in the store. If the store owner or manager does not know which employee made the sale or, where applicable, allowed the continued presence of the person in the store, then the store owner or manager may present to the commissioner copies of the statements described in subdivisions (e)(1) and (2) that were signed by all employees working at the store on the day of the sale or incident, along with a sworn statement that these employees had signed those statements prior to the sale or incident.

(4) If a store owner or manager presents to the commissioner the statements described in subdivision (e)(3):

(A) If the violation is the first violation determined to have occurred at that store, the penalty against the store owner or manager must not be assessed; or

(B) If the violation is the second or subsequent violation determined to have occurred at that store, the commissioner shall consider that evidence and any other evidence with respect to the amount of the penalty assessed against the store owner or manager.

SECTION 10. This act takes effect July 1, 2025, the public welfare requiring it.