

HOUSE BILL 2058

By Gant

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 15, relative to age-restricted
products.

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

SECTION 1. Tennessee Code Annotated, Section 39-17-1502, is amended by adding the following as a new subsection (d) and redesignating the remaining subsection:

(d) The purpose of this part is also to prohibit the sale or distribution of smokeless nicotine products to, or purchase of smokeless nicotine products on behalf of, persons under twenty-one (21) years of age.

SECTION 2. Tennessee Code Annotated, Section 39-17-1503, is amended by adding the following as a new subdivision:

"Smokeless nicotine product":

(A) Means nicotine that is in the form of a solid, gel, gum, or paste that is intended for human consumption or placement in the oral cavity for absorption into the human body by any means other than inhalation; and

(B) Does not include tobacco or tobacco products;

SECTION 3. Tennessee Code Annotated, Section 39-17-1504, is amended by deleting the language "tobacco, smoking hemp, or vapor product" wherever it appears and substituting the language "tobacco, smoking hemp, vapor product, or smokeless nicotine product".

SECTION 4. Tennessee Code Annotated, Section 39-17-1504, is amended by deleting the language "tobacco, smoking hemp, or vapor products" wherever it appears and substituting the language "tobacco, smoking hemp, vapor products, or smokeless nicotine products".

SECTION 5. Tennessee Code Annotated, Section 39-17-1505(a), is amended by deleting the language "tobacco, smoking hemp, or vapor product" wherever it appears and substituting the language "tobacco, smoking hemp, vapor product, or smokeless nicotine product".

SECTION 6. Tennessee Code Annotated, Section 39-17-1505(f), is amended by deleting the subsection and substituting the following:

(f) It is not unlawful for a person under twenty-one (21) years of age to handle or transport:

(1) Tobacco, tobacco products, smoking hemp, vapor products, or smokeless nicotine products as a part of and in the course of the person's employment; provided, that the person is under the supervision of another employee who is at least twenty-one (21) years of age; or

(2) Tobacco, smoking hemp, vapor products, or smokeless nicotine products as part of an educational project that has been developed by the person for entry and display at an agricultural fair or other agricultural competition or event.

SECTION 7. Tennessee Code Annotated, Section 39-17-1506, is amended by deleting the language "tobacco, smoking hemp, or vapor products" wherever it appears and substituting the language "tobacco, smoking hemp, vapor products, or smokeless nicotine products".

SECTION 8. Tennessee Code Annotated, Section 39-17-1506(a), is amended by deleting the language "TOBACCO PRODUCTS, VAPOR PRODUCTS" wherever it appears and substituting the language "TOBACCO PRODUCTS, VAPOR PRODUCTS, SMOKELESS NICOTINE PRODUCTS".

SECTION 9. Tennessee Code Annotated, Section 39-17-1507(a), is amended by deleting the language "tobacco, smoking hemp, or vapor products" and substituting the language "tobacco, smoking hemp, vapor products, or smokeless nicotine products".

SECTION 10. Tennessee Code Annotated, Section 39-17-1509(a), is amended by deleting the language "tobacco, smoking hemp, or vapor products" and substituting the language "tobacco, smoking hemp, vapor products, or smokeless nicotine products".

SECTION 11. Tennessee Code Annotated, Section 39-17-1509(c), is amended by deleting the language "tobacco, smoking hemp, or vapor product" wherever it appears and substituting the language "tobacco, smoking hemp, vapor product, or smokeless nicotine product".

SECTION 12. Tennessee Code Annotated, Section 39-17-1509(c), is amended by deleting the language "tobacco, smoking hemp, and vapor products" and substituting the language "tobacco, smoking hemp, vapor products, and smokeless nicotine products".

SECTION 13. Tennessee Code Annotated, Section 39-17-1509(d), is amended by deleting the language "tobacco, smoking hemp, or vapor product" and substituting the language "tobacco, smoking hemp, vapor product, or smokeless nicotine product".

SECTION 14. Tennessee Code Annotated, Section 39-17-1509(d), is amended by deleting the language "tobacco, smoking hemp, or vapor products" and substituting the language "tobacco, smoking hemp, vapor products, or smokeless nicotine products".

SECTION 15. Tennessee Code Annotated, Section 39-17-1509(e), is amended by deleting the language "tobacco, smoking hemp, or vapor products" and substituting the language "tobacco, smoking hemp, vapor products, or smokeless nicotine products".

SECTION 16. Tennessee Code Annotated, Section 39-17-1551, is amended by deleting subsection (a) and substituting the following:

The general assembly preempts and occupies the entire field of legislation concerning the regulation of tobacco products, smokeless nicotine products, and vapor products. Any law or regulation of tobacco products enacted or promulgated after March 15, 1994, or vapor products or smokeless nicotine products enacted or promulgated after July 1, 2021, by any agency or political subdivision of this state or any agency thereof is void; provided, that cities, counties, and counties having a metropolitan form of government may regulate the use of tobacco products or vapor products in buildings owned or leased by the political subdivisions; and provided further, that airport authorities created pursuant to title 42; utility districts created pursuant to title 7; and special school districts may regulate the use of tobacco products, smokeless nicotine products, or vapor products in buildings owned or leased by the entities.

Notwithstanding any law to the contrary, individual owners or operators of retail establishments located within an enclosed shopping mall retain the right to determine the policy on the use of tobacco products or vapor products within the person's establishment.

SECTION 17. This act takes effect upon becoming a law, the public welfare requiring it.