

SENATE FILE NO. SF0194

E-cigarette and vapor material manufacturer licenses.

Sponsored by: Senator(s) Crum, Cooper and Landen and  
Representative(s) Brown, L and Wylie

A BILL

for

1 AN ACT relating to electronic cigarettes and vapor  
2 materials; requiring manufacturers of electronic cigarettes  
3 and vapor material to obtain a license; requiring the  
4 department of revenue to publish a list of licensed  
5 electronic cigarette and vapor material manufacturers;  
6 prohibiting the sale of electronic cigarettes and vapor  
7 material made by manufactures not included in the list of  
8 licensees; prohibiting the sale of nicotine products as  
9 specified; requiring biannual inspections of retailers,  
10 distributors and wholesalers of electronic cigarettes and  
11 vapor material; providing penalties; and providing for an  
12 effective date.

13

14 *Be It Enacted by the Legislature of the State of Wyoming:*

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1           **Section 1.** W.S. 14-3-311 and 39-18-112 are created to  
2 read:

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4           **14-3-311. Delivery sales of electronic cigarette and**  
5 **vapor material prohibited.**

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7           (a) No person shall sell, or cause to be sold, to a  
8 consumer in this state an electronic cigarette or vapor  
9 material by a delivery sale.

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11           (b) Any person who violates this section is guilty of  
12 a misdemeanor punishable in the same manner provided for in  
13 W.S. 14-3-302(d) and (e).

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15           **39-18-112. Certifications by manufacturers of**  
16 **electronic cigarettes or vapor material.**

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18           (a) Each electronic cigarette or vapor material  
19 manufacturer who manufactures electronic cigarettes or  
20 vapor material sold at retail or to a consumer in this  
21 state, whether directly or through a wholesaler,  
22 distributor, retailer or similar intermediary or  
23 intermediaries, shall file an annual certification as

1 provided in this section as a condition of obtaining or  
2 maintaining an electronic cigarette or vapor material  
3 manufacturer license.

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5 (b) A certification filed under this section shall be  
6 made on a form and in a manner prescribed by the department  
7 and shall include the following:

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9 (i) The name and address of the applicant or, if  
10 the applicant is a firm, partnership, limited liability  
11 company or association, the name and address of each of its  
12 members or, if the applicant is a corporation, the name and  
13 address of each of its officers and the address of its  
14 principal place of business;

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16 (ii) The location of the principal place of  
17 business the applicant seeking a license;

18

19 (iii) Either:

20

21 (A) A copy of the Prevent All Cigarette  
22 Trafficking (PACT) Act Registration Form (ATF Form 5070.1)  
23 as submitted by the applicant to the bureau of alcohol,

1 tobacco, firearms and explosives of the United States  
2 department of justice, and an attestation that the  
3 applicant is in compliance with, and will continue to  
4 comply with, all applicable requirements of 15 U.S.C. §§  
5 375 and 376; or

6

7 (B) A statement explaining why the PACT Act  
8 is not applicable to the applicant and its products.

9

10 (iv) An attestation that the applicant's  
11 products fully comply with the requirements of the United  
12 States customs and border protection agency, including  
13 accurate entry summary forms (CPB Form 7501), and that the  
14 applicant is not in violation of 18 U.S.C. §§ 541, 542 or  
15 545, as well as paper or electronic copies of all CBP Form  
16 7501 submitted in the prior six (6) months;

17

18 (v) If the applicant is a nonresident  
19 manufacturer of electronic cigarette or vapor material that  
20 has not registered to do business in the state of Wyoming  
21 as a foreign corporation or business, the name and address  
22 of any agent for service of process on the applicant. The  
23 agent shall be an individual resident of this state, a

1 domestic corporation or a foreign corporation having a  
2 place of business in, and authorized to do business in,  
3 this state;

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5 (vi) Other information as the department may  
6 require for the purpose of administering this chapter.

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8 (c) The licensee shall pay an annual nonrefundable  
9 fee of one thousand dollars (\$1,000.00).

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11 (d) Any nonresident or foreign manufacturer of  
12 electronic cigarette or vapor material shall file and  
13 thereafter maintain a deposit with the state treasurer or a  
14 bond issued by a surety company licensed and authorized to  
15 do business in Wyoming in the sum of twenty-five thousand  
16 dollars (\$25,000.00) and shall run to the state of Wyoming.  
17 A surety on a manufacturer's bond shall be liable up to the  
18 amount of the bond, and the state may execute on the surety  
19 bond for the payment of fines and penalties imposed on the  
20 manufacturer under this section and, where appropriate, for  
21 the costs of seizure and destruction of products sold in  
22 violation of this section. If the state executes on the  
23 surety bond, it shall require the principal to provide an

1 additional bond as a requirement for retaining or  
2 maintaining its license. The failure to maintain a current  
3 and complete bond to the satisfaction of the department  
4 shall result in the suspension or revocation of the  
5 licensee's license.

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7 (e) Each licensed electronic cigarette or vapor  
8 material manufacturer shall submit to the department every  
9 six (6) months an attestation confirming that the  
10 information submitted in its prior license application and  
11 certification remains accurate or indicating changes, and  
12 all copies of CBP Form 7501 submitted in the prior six (6)  
13 months.

14

15 (f) Submission of a false certification constitutes  
16 an unfair or deceptive practice prohibited by the Wyoming  
17 Consumer Protection Act, and the attorney general may seek  
18 remedies available under that act. In addition, the  
19 department may notify appropriate federal and state  
20 agencies of false information submitted on a certification  
21 form.

22

1           (g) Beginning July 1, 2025, the department shall  
2 maintain and make publicly available on the department's  
3 official website a list of all licensed electronic  
4 cigarette and vapor material manufacturers.

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6           (h) Fees collected under the provisions of this  
7 section shall be credited to the cigarette taxes  
8 administration mitigation account which is hereby created.  
9 Funds within the cigarette taxes administration mitigation  
10 account are continuously appropriated to the department and  
11 shall only be used by the department for the administration  
12 and enforcement of this chapter.

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14           **Section 2.** W.S. 14-3-301(a) by creating a new  
15 paragraph (xii), 39-18-101(a) by creating a new paragraph  
16 (xii), 39-18-106(a) and by creating new subsections (d) and  
17 (e) and 39-18-108(c)(vii) and by creating a new paragraph  
18 (xiii) and a new subsection (f) are amended to read:

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20           **14-3-301. Definitions.**

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22           (a) As used in this article:

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1           (xii) "Delivery sale" means any sale of a  
2 nicotine product to a consumer in this state where either:

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4           (A) The consumer submits the order for the  
5 sale by means of a telephonic or other method of voice  
6 transmission, the mail or any other delivery service or by  
7 way of the internet or other online service; or

8  
9           (B) The nicotine product is delivered by  
10 use of the mail or a delivery service, regardless of  
11 whether the seller is located within or outside this state.

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13           **39-18-101. Definitions.**

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15           (a) As used in this article:

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17           (xii) "Electronic cigarette or vapor material  
18 manufacturer" means any person who manufactures,  
19 fabricates, assembles, processes or labels an electronic  
20 cigarette or vapor material for sale in this state.

21  
22           **39-18-106. Licensing; permits.**

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1           (a) Every wholesaler, cigarette importer, electronic  
2 cigarette or vapor material manufacturer and cigarette  
3 manufacturer who sells or offers to sell nicotine products  
4 in this state must have a license to do so issued by the  
5 department. No license or renewal of a license shall be  
6 granted under this section unless the wholesaler states in  
7 writing, under penalty for false swearing, that he shall  
8 comply fully with W.S. 9-4-1201 through 9-4-1209. The  
9 license fee is ten dollars (\$10.00) per year or fraction  
10 thereof and is valid through June 30 in each year. The  
11 license will be granted only to wholesalers who own or  
12 operate the place from which sales are made and additional  
13 licenses must be obtained for each separate location. The  
14 licenses are transferable pursuant to rules and regulations  
15 promulgated by the department.

16

17           (d) No license for an electronic cigarette or vapor  
18 material manufacturer shall be granted, maintained or  
19 renewed unless the manufacturer satisfies the requirements  
20 of W.S. 39-18-112.

21

22           (e) Retailers shall purchase cigarettes and nicotine  
23 products only from a wholesaler, electronic cigarette or

1 vapor material manufacturer or cigarette importer who is  
2 licensed under this chapter.

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4 **39-18-108. Enforcement.**

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6 (c) Penalties. The following shall apply:

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8 (vii) Any person who does any act prohibited by  
9 this article, or omits, neglects or refuses to comply with  
10 any duty imposed upon him by this article, or causes not to  
11 be done any of the things required by this article, or does  
12 any act prohibited by this article, may, in addition to any  
13 other penalty provided by this article, be liable for a  
14 first violation penalty of not to exceed one thousand  
15 dollars (\$1,000.00) or five (5) times the retail value of  
16 the nicotine product at issue, whichever is lesser, and for  
17 a second violation a penalty of one thousand five hundred  
18 dollars (\$1,500.00), to be recovered in a civil action. A  
19 third or subsequent violation constitutes an unfair or  
20 deceptive practice prohibited by the Wyoming Consumer  
21 Protection Act, and the attorney general may seek remedies  
22 available under that act, including injunctive relief;

23

1           (xiii) Any electronic cigarette or vapor  
2 material held or offered for retail sale in this state that  
3 is manufactured by a person or entity that has not received  
4 an electronic cigarette or vapor material manufacturer  
5 license as provided by this article is contraband goods and  
6 may be seized by the department, with board approval, or  
7 any peace officer of this state when so directed by the  
8 department.

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10           (f) Each retailer, distributor and wholesaler that  
11 sells or distributes electronic cigarettes and vapor  
12 material in this state shall be subject to not less than  
13 two (2) unannounced compliance checks annually for purposes  
14 of enforcing this section. Unannounced follow-up compliance  
15 checks of all noncompliant retailers, distributors and  
16 wholesalers shall be conducted within thirty (30) days  
17 after any violation of this chapter. The department shall  
18 publish the results of all compliance checks not less than  
19 one (1) time each year and shall make the results available  
20 to the public on request.

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1           **Section 3.** This act is effective July 1, 2025.

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(END)