

House File 2677

S-5183

1 Amend House File 2677, as amended, passed, and reprinted by
2 the House, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <Section 1. Section 453A.36, subsection 7, Code 2024, is
6 amended by adding the following new paragraphs:

7 NEW PARAGRAPH. *c.* It is unlawful for a retailer of
8 alternative nicotine products or vapor products to sell an
9 alternative nicotine product or vapor product that does not
10 comply with the applicable ingredient listing required by 21
11 U.S.C. 387d of the federal Food, Drug, and Cosmetic Act.

12 NEW PARAGRAPH. *d.* It is unlawful for a retailer to sell any
13 container of solution found in a vapor product if the solution
14 contains any substance other than propylene glycol, vegetable
15 glycerin, flavorings, and nicotine, as applicable.

16 NEW PARAGRAPH. *e.* It is unlawful for a retailer to market,
17 advertise, sell, or cause to be sold a vapor product if the
18 vapor product's container, packaging, or advertising does any
19 of the following:

20 (1) Depicts a cartoon-like fictional character that mimics
21 a character primarily aimed at entertaining minors.

22 (2) Imitates or mimics trademarks or trade dress of products
23 that are or have been primarily marketed to minors.

24 (3) Includes a symbol that is primarily used to market
25 products to minors.

26 (4) Includes an image of a celebrity.

27 (5) Is designed to intentionally and knowingly disguise the
28 fact that it is a vapor product.

29 NEW PARAGRAPH. *f.* (1) It is unlawful for a person to
30 advertise or sell an alternative nicotine product, a tobacco
31 product, or a vapor product on social media.

32 (2) For the purposes of this paragraph, "*social media*" means
33 an online forum or application that satisfies the criteria
34 specified in both subparagraph divisions (a) and (b):

35 (a) Does both of the following:

1 (i) Allows users to upload content or view the content or
2 activity of other users.

3 (ii) Employs algorithms that analyze user data or
4 information on users to select content for users.

5 (b) Has any of the following features:

6 (i) Infinite scrolling.

7 (ii) Push notifications or alerts sent by the online forum,
8 internet site, or application to inform the user about specific
9 activities or events related to the user's account.

10 (iii) Displays personal interactive metrics that indicate
11 the number of times other users have clicked a button to
12 indicate their reaction to content or have shared or reposted
13 the content.

14 (iv) Auto-play video or video that begins to play without
15 the user first clicking on the video or play button for that
16 video.

17 (v) A live-streaming function that allows a user or
18 advertiser to broadcast live video content in real time.

19 NEW PARAGRAPH. *g*. The following civil penalties shall be
20 imposed on a person who sells a vapor product without a proper
21 valid permit:

22 (1) For a first violation, five thousand dollars.

23 (2) For a second violation, ten thousand dollars.

24 (3) For a third or subsequent violation, fifty thousand
25 dollars.

26 Sec. 2. Section 453A.39, Code 2024, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 3. A retailer shall ensure that any vapor
29 product offered for sale in this state complies with all of the
30 following:

31 *a*. Meets all applicable packaging standards imposed by the
32 federal Child Nicotine Poisoning Prevention Act of 2015, Pub.
33 L. No. 114-116, 15 U.S.C. §1472a.

34 *b*. Has a label that meets the nicotine addictiveness warning
35 statement requirements prescribed in 21 C.F.R. §1143.3.>

1 2. Title page, line 1, after <of> by inserting <alternative
2 nicotine products, tobacco products, and>

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