

HB 2673 -- TOBACCO AND NICOTINE PRODUCTS

SPONSOR: Taylor

Under this bill, every new tobacco product manufacturer whose new tobacco products, as defined in the bill, are sold in Missouri shall submit to the Director of the Department of Revenue by June 1, 2020, or a date not more than 30 days following a premarket tobacco application submission deadline issued by the U.S. Food and Drug Administration (FDA), whichever is later, a certification that a premarket tobacco application has been submitted to the FDA for each new tobacco product, as specified in the bill. The director shall maintain a directory on the Department of Revenue's website containing a list of all new tobacco products that may be lawfully distributed or sold in the state. The director shall designate a fee of not more than \$500 per new tobacco product paid by the manufacturer to cover the costs of processing the certifications and maintaining the directory.

Any manufacturer with a certification under this bill shall notify the directory within 30 days of receipt of an order issued by the FDA regarding a new tobacco product or any notice of an action taken by the FDA affecting the ability of the new tobacco product to be introduced or delivered into interstate commerce for commercial distribution. If the FDA takes a negative action that results in the removal of the new tobacco product from interstate commerce, the director shall remove that product from the directory, subject to recertification.

Beginning July 1, 2020, it shall be unlawful for any manufacturer, distributor, or retailer to distribute or sell any new tobacco product that has not been certified under this bill. A knowing violation of this provision shall result in a fine of \$500 per each distribution or sale of a new tobacco product not listed in the directory.

Additionally, this bill raises the age under which the sale of certain tobacco, alternative nicotine, or vapor products to a minor shall be prohibited from 18 years to 21 years. The Division of Alcohol and Tobacco Control within the Department of Public Safety may employ a person between 17 and 20 years of age, with parental consent for persons under 18, to attempt to purchase tobacco for the purpose of inspection or enforcement of tobacco laws.

The Division of Behavioral Health within the Department of Mental Health shall be responsible for ensuring that the state is in compliance with federal laws regarding tobacco products, including reporting requirements.

The bill modifies the definition of "vapor product" to include any device classified by the FDA as an electronic nicotine delivery system.

This bill has an emergency clause.

This bill is the same as SB 1085 (2020).