

20100213D

**HOUSE BILL NO. 93**

Offered January 8, 2020  
Prefiled December 11, 2019

A *BILL to amend the Code of Virginia by adding in Article 1 of Chapter 10 of Title 58.1 a section numbered 58.1-1017.5, relating to prohibition of the sale or distribution of flavored tobacco products; civil penalty.*

Patrons—Kory and Samirah

Committee Referral Pending

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Article 1 of Chapter 10 of Title 58.1 a section numbered 58.1-1017.5 as follows:**

**§ 58.1-1017.5. Sale or distribution of flavored tobacco products prohibited; civil penalty.**

A. As used in this section:

"Characterizing flavor" means a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a flavored tobacco product or component part thereof, including tastes or aromas relating to any fruit, chocolate, menthol, mint, wintergreen, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice; however, a tobacco product may not be considered to have characterizing flavor solely because of the provision of ingredient information or the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product.

"Constituent" means any ingredient, substance, chemical, or compound, other than tobacco, water, or reconstituted tobacco sheet, that is added by the manufacturer to a product during the processing, manufacture, or packaging of the tobacco product. "Constituent" includes any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from the tobacco, filter, or paper to the smoke produced by a product, or forms by the combustion or heating of tobacco, additives, or other components of a product.

"Flavored tobacco product" means a cigarette or an alternative nicotine product, a heated tobacco product, liquid nicotine, loose leaf tobacco, moist snuff, nicotine vapor product, or a tobacco product, as such terms are defined in § 58.1-1021.01, that contains a constituent that imparts a characterizing flavor.

B. No person shall sell or distribute or offer to sell or distribute in the Commonwealth any flavored tobacco product. Any person who violates the provisions of this section shall be assessed a civil penalty of \$1,000 for a first offense and \$5,000 for a second or subsequent such offense. The civil penalties shall be assessed and collected by the Department as other taxes are collected.

INTRODUCED

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