

SENATE FILE NO. SF0042

Nicotine products-age verification and shipping.

Sponsored by: Joint Revenue Interim Committee

A BILL

for

1 AN ACT relating to nicotine products; requiring age
2 verification for remote sales of nicotine products;
3 specifying shipping requirements for nicotine products;
4 modifying definitions related to nicotine products;
5 providing penalties; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 14-3-309 is created to read:

10

11 **14-3-309. Regulation of mail order and internet**
12 **purchases and sales; proof of age; penalties.**

13

14 (a) No person shall sell at retail or wholesale any
15 tobacco product through the internet or any other remote
16 sales method to any person in this state, other than a

1 vendor licensed under W.S. 39-15-106, unless the seller
2 performs an age verification on the purchaser through an
3 independent third party age verification service. The age
4 verification service utilized shall compare information
5 available from public records to the personal information
6 entered by the purchaser during the ordering process to
7 establish that the purchaser is twenty-one (21) years of
8 age or older.

9

10 (b) No person shall sell at retail or wholesale any
11 tobacco product through the internet or any other remote
12 sales method to any person in this state, other than a
13 vendor licensed under W.S. 39-15-106, unless the seller
14 uses a method of mailing or shipping that, upon delivery,
15 requires the signature of a person at least twenty-one (21)
16 years of age before the tobacco product will be released
17 for delivery.

18

19 (c) The provisions of subsections (a) and (b) of this
20 section shall not apply if the seller employs one (1) of
21 the following protections to ensure age verification:

22

1 (i) The purchaser is required to create an
2 online profile or account with personal information
3 verifying that the purchaser is at least twenty-one (21)
4 years of age including, but not limited to, the purchaser's
5 name, address and a valid phone number, if that personal
6 information is verified by the seller through publicly
7 available records and delivery is made to the same name and
8 address; or

9

10 (ii) The purchaser is required to upload a copy
11 of the purchaser's government issued identification and a
12 current photograph of the purchaser verifying that the
13 purchaser is at least twenty-one (21) years of age and
14 delivery is made to the same name and address listed on the
15 identification provided.

16

17 (d) Any person violating subsection (a) or (b) of
18 this section is guilty of a misdemeanor punishable as
19 provided in W.S. 14-3-302(b).

20

21 **Section 2.** W.S. 14-3-301(a)(i), (v) and by creating a
22 new paragraph (vi) and 14-3-302(b)(intro) are amended to
23 read:

1

2 **14-3-301. Definitions.**

3

4 (a) As used in this article:

5

6 (i) "Tobacco products" means any substance
7 containing tobacco leaf, or any product made or derived
8 from tobacco that contains nicotine, including, but not
9 limited to, cigarettes, electronic cigarettes, cigars, pipe
10 tobacco, snuff, chewing tobacco, ~~or dipping tobacco,~~
11 electronic cigarettes or vapor material;

12

13 (v) "Electronic cigarette" means ~~a product that~~
14 ~~employs any mechanical heating element, battery or~~
15 ~~electronic circuit, regardless of shape or size, that can~~
16 ~~be used to deliver doses of nicotine vapor by means of~~
17 ~~heating a liquid nicotine solution contained in a cartridge~~
18 ~~or other delivery system.~~ any device that can be used to
19 deliver aerosolized or vaporized nicotine material to the
20 person using the device and includes any component, part
21 and accessory of the device and any vapor material intended
22 to be aerosolized or vaporized during the use of the
23 device. "Electronic cigarette" includes, without

1 limitation, any electronic cigar, electronic cigarillo,
2 electronic pipe, electronic hooka, vapor pen and any
3 similar product or device. "Electronic cigarette" does not
4 include a battery or battery charger if sold separately
5 from the electronic cigarette and does not include any
6 product regulated as a drug or device by the United States
7 food and drug administration under subchapter V of the
8 Food, Drug and Cosmetic Act;

9
10 (vi) "Vapor material" means any liquid solution
11 or other material containing nicotine that is depleted as
12 an electronic cigarette is used. "Vapor material" includes
13 liquid solution or other material containing nicotine that
14 is sold with or inside an electronic cigarette.

15
16 **14-3-302. Prohibited sales or delivery.**

17
18 (b) Any individual violating W.S. 14-3-309 or
19 subsection (a) of this section is guilty of a misdemeanor
20 punishable by a fine of not more than:
21

1 **Section 3.** This act is effective July 1, 2020.

2

3

(END)