

HB20-1001

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Mullica

1 Amend the Health and Insurance Committee Report, dated February 12,
2 2020, page 3, after line 15 insert:

3 "Page 18 of the printed bill, strike lines 7 through 19 and substitute:

4 "(3) (a) EXCEPT AS PROVIDED IN SUBSECTION (3)(b) OR (3)(c) OF
5 THIS SECTION, A PERSON SHALL NOT SHIP OR DELIVER CIGARETTES,
6 TOBACCO PRODUCTS, OR NICOTINE PRODUCTS DIRECTLY TO A CONSUMER
7 IN THIS STATE.

8 (b) (I) A RETAILER LICENSED TO SELL CIGARETTES, TOBACCO
9 PRODUCTS, OR NICOTINE PRODUCTS PURSUANT TO THIS ARTICLE 7 THAT
10 COMPLIES WITH THIS SUBSECTION (3)(b) AND RULES PROMULGATED
11 PURSUANT TO THIS SUBSECTION (3)(b) MAY DELIVER CIGARETTES,
12 TOBACCO PRODUCTS, OR NICOTINE PRODUCTS TO A PERSON TWENTY-ONE
13 YEARS OF AGE OR OLDER IF:

14 (A) THE PERSON RECEIVING THE DELIVERY OF CIGARETTES,
15 TOBACCO PRODUCTS, OR NICOTINE PRODUCTS IS LOCATED AT A PLACE
16 THAT IS NOT LICENSED PURSUANT TO THIS ARTICLE 7;

17 (B) THE DELIVERY IS MADE BY AN EMPLOYEE OF THE LICENSED
18 RETAILER WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO IS
19 USING A VEHICLE OWNED OR LEASED BY THE LICENSEE TO MAKE THE
20 DELIVERY; AND

21 (C) THE PERSON MAKING THE DELIVERY VERIFIES THAT THE
22 PERSON RECEIVING THE DELIVERY IS TWENTY-ONE YEARS OF AGE OR
23 OLDER BY REQUIRING THE PERSON RECEIVING THE DELIVERY TO PRESENT
24 A VALID GOVERNMENT-ISSUED PHOTOGRAPHIC IDENTIFICATION. THE
25 LICENSEE OR EMPLOYEE SHALL MAKE A DETERMINATION FROM THE
26 INFORMATION PRESENTED WHETHER THE PERSON RECEIVING THE
27 DELIVERY IS TWENTY-ONE YEARS OF AGE OR OLDER.

28 (II) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES AS
29 NECESSARY FOR THE PROPER DELIVERY OF CIGARETTES, TOBACCO
30 PRODUCTS, OR NICOTINE PRODUCTS, AND THE DIVISION IS AUTHORIZED TO
31 ISSUE A PERMIT TO ANY RETAILER THAT IS LICENSED UNDER THIS ARTICLE
32 7 AND DELIVERS CIGARETTES, TOBACCO PRODUCTS, OR NICOTINE
33 PRODUCTS PURSUANT TO THIS SUBSECTION (3)(b). A PERMIT ISSUED
34 UNDER THIS SUBSECTION (3)(b) IS SUBJECT TO THE SAME SUSPENSION AND
35 REVOCATION PROVISIONS AS ARE SET FORTH IN SECTION 44-7-105
36 (1)(b).".

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