

HB20-1001

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Sonnenberg

1 Amend reengrossed bill, page 20, after line 9 insert:

2 "(4) (a) NOTWITHSTANDING SUBSECTION (3) OF THIS SECTION, A
3 PERSON, WHETHER THE PERSON IS LOCATED IN-STATE OR OUT-OF-STATE,
4 MAY ENGAGE IN ONLINE SALES OF ELECTRONIC SMOKING DEVICES, AS
5 DEFINED IN SECTION 25-14-203 (4.5), IN THE STATE IF THE PERSON:

6 (I) USES AN INDEPENDENT, THIRD-PARTY AGE VERIFICATION
7 SERVICE TO COMPARE INFORMATION OBTAINED FROM PUBLICLY
8 AVAILABLE RECORDS TO THE PERSONAL INFORMATION A CUSTOMER
9 ENTERS ONTO THE PERSON'S PUBLIC WEBSITE OR APPLICATION TO
10 ESTABLISH THAT THE CUSTOMER IS TWENTY-ONE YEARS OF AGE OR OLDER;

11 (II) USES A METHOD OF MAILING, SHIPPING, OR DELIVERING AN
12 ELECTRONIC SMOKING DEVICE THAT REQUIRES THE SIGNATURE OF AN
13 INDIVIDUAL TWENTY-ONE YEARS OF AGE OR OLDER BEFORE THE
14 ELECTRONIC SMOKING DEVICE MAY BE DELIVERED TO THE CUSTOMER; AND

15 (III) ON AND AFTER JULY 1, 2021, OBTAINS A LICENSE FROM THE
16 DIVISION PURSUANT TO SECTION 44-7-104.5. BEFORE JULY 1, 2021, A
17 PERSON NEED NOT OBTAIN A LICENSE TO ENGAGE IN ONLINE SALES OF
18 ELECTRONIC SMOKING DEVICES PURSUANT TO THIS SUBSECTION (4)(a).

19 (b) NOTWITHSTANDING SUBSECTIONS (4)(a)(I) AND (4)(a)(II) OF
20 THIS SECTION, A PERSON ENGAGING IN ONLINE SALES OF ELECTRONIC
21 SMOKING DEVICES PURSUANT TO THIS SUBSECTION (4) MAY CONDUCT AGE
22 VERIFICATION IN AN ALTERNATIVE MANNER FROM THE MANNER SET FORTH
23 IN SUBSECTION (4)(a) OF THIS SECTION IF:

24 (I) THE ELECTRONIC SMOKING DEVICE ORDERED THROUGH THE
25 PERSON'S PUBLIC WEBSITE OR APPLICATION IS DELIVERED TO THE
26 CUSTOMER AT THE CUSTOMER'S ADDRESS; AND

27 (II) THE CUSTOMER:

28 (A) CREATES A SECURE ONLINE PROFILE OR ACCOUNT ON THE
29 PERSON'S PUBLIC WEBSITE OR APPLICATION THAT CONTAINS THE
30 CUSTOMER'S PERSONAL INFORMATION INCLUDING THE CUSTOMER'S NAME
31 AND ADDRESS, THE LAST FOUR DIGITS OF THE CUSTOMER'S SOCIAL
32 SECURITY NUMBER, AND A VALID PHONE NUMBER AND THE PERSON
33 VALIDATES THE PERSONAL INFORMATION THAT THE CUSTOMER PROVIDED
34 THROUGH COMPARISON WITH PUBLICLY AVAILABLE RECORDS; OR

35 (B) UPLOADS TO THE PERSON'S PUBLIC WEBSITE OR APPLICATION
36 A COPY OF THE CUSTOMER'S VALID GOVERNMENT-ISSUED PHOTOGRAPHIC
37 IDENTIFICATION AND A CURRENT PHOTOGRAPH OF THE CUSTOMER."

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