

# Virginia General Assembly 2020

## Tobacco-Related House and Senate Bills

### House of Delegates

#### [HOUSE BILL 93 Flavored tobacco products; sale or distribution prohibited, civil penalty.](#)

Prohibits the sale or distribution of flavored tobacco products.

*House: Subcommittee recommends continuing to 2021 by voice vote.*

#### [HOUSE BILL 356 Child labor; employment of children on tobacco farms, civil penalty.](#)

Prohibits any person from employing a child under the age of 18 to work in direct contact with tobacco plants or dried tobacco leaves unless (i) the owner of the farm or other location at which such work is conducted is the child's parent, grandparent, or legal guardian or (ii) the child's parent or legal guardian has consented in writing to such employment.

*House: Subcommittee recommends continuing to 2021 by voice vote.*

#### [HOUSE BILL 489 Virginia Indoor Clean Air Act; prohibitions on smoking; satellite facilities.](#)

Adds satellite facilities to the list of places where smoking is prohibited.

*Tabled unanimously on 1.23.20.*

#### [HOUSE BILL 578 Smoking in motor vehicle with a minor present.](#)

Expands the group in the presence of whom it is illegal to smoke in a motor vehicle from minors under the age of 8 to any minor.

*House: Subcommittee recommends continuing to 2021 by voice vote.*

#### [HOUSE BILL 962 Hemp; products intended for smoking.](#)

Provides that it shall be legal to produce, distribute, and consume hemp products intended for smoking. Current law is silent on the legality of such products. The bill prohibits the sale to persons under age 21 of hemp products intended for smoking.

*House: Assigned Courts sub: Criminal on 2.2.20.*

#### [HOUSE BILL 1073 Parent education by school boards.](#)

Requires each school board to annually provide parents of pupils in grades kindergarten through 12 information regarding the health dangers of tobacco and nicotine vapor products.

*Senate: Referred to Committee on Education and Health on 1.29.20.*

#### [HOUSE BILL 1119 Tob Flavors Bill](#)

Prohibits the sale, distribution, offering for sale or distribution, or causing the sale or distribution of flavored tobacco products.

*House: Subcommittee recommends continuing to 2021 by voice vote.*

[HOUSE BILL 1120 Tob Tax Bill](#) and [SENATE BILL 852 Taxes on tobacco products; penalties.](#)

Provides that tobacco products would be subject to tax at rates of \$1.80 per pack of cigarettes or 39 percent of the wholesale price for all other tobacco products. The bill broadens the definition of "tobacco product" to include electronic smoking devices, which are not taxed under current law. The bill authorizes all localities to tax all tobacco products with no restriction on the tax rate. The bill dedicates portions of revenue to the Department of Health; to the Virginia Foundation for Healthy Youth; the Department of Behavioral Health and Developmental Services; and to the general fund.

*House: Subcommittee recommends continuing to 2021 by voice vote.*

[HOUSE BILL 1185 Nicotine vapor products; sale, penalties.](#)

Limits the sale of (i) flavored nicotine vapor products, including mint and menthol but not tobacco flavors, and (ii) high-nicotine vapor products above 30 mg strength to retail establishments that sell to persons 21 years of age or older and have proven age restriction processes. The bill requires such retail establishments to prove valid identification checks at the door upon entry and again before any transaction is processed and to maintain required age verification documentation for every transaction. The bill also prohibits all direct-to-consumer online sales that are intended to deliver nicotine vapor products and prohibits the sale of nicotine vapor products with additives other than traditional e-liquid ingredients (e.g., propylene glycol, vegetable glycerin, flavoring) that alter the performance characteristics of nicotine (e.g., benzoic acid). The bill further requires a person selling a tobacco product, nicotine vapor product, or alternative nicotine product to obtain identification as proof of a buyer's age in any circumstance. Under current law, such identification is not required from an individual who the person has reason to believe is at least 21 years of age or who the person knows is at least 21 years of age.

*House: Subcommittee recommends reporting with amendment (5-Y 3-N)*

[HOUSE BILL 1283 Registration of tobacco products retailers; purchase, possession, and sale of tobacco products.](#)

Registration of tobacco products retailers; purchase, possession, and sale of tobacco products. The bill prohibits any person from selling any tobacco product at retail (i) without first obtaining a permit from the Department of Taxation and (ii) at a location within 1,000 feet of a youth-oriented facility, defined in the bill. The bill prohibits Internet sales of tobacco products, except to a permit-holding retailer, and prohibits the sale of tobacco products from vending machines. Removes previous penalties regarding purchase, purchase, or possession. Includes "nicotine vapor products" in the definition of tobacco products.

*House: Subcommittee recommends continuing to 2021 by voice vote.*

[HOUSE BILL 1365 Manufacture, sale, or distribution of imitation nicotine vapor products; penalty.](#)

Prohibits the manufacture, sale, or distribution of any imitation nicotine vapor product.

*House: Referred to Committee for Courts of Justice on 1.8.20*

[HOUSE BILL 1506 Pharmacists; prescribing, dispensing, and administration of controlled substances.](#)

Pharmacists; prescribing, dispensing, and administration of controlled substances. Authorizes the prescribing, dispensing, and administration of certain controlled substances by a pharmacist, provided that such pharmacist prescribes, dispenses, or administers such controlled substances in accordance with a statewide protocol developed by the Board of Pharmacy in consultation with the Board of Medicine and set forth in regulations of the Board of Pharmacy. The bill clarifies that an accident and sickness insurance policy that provides reimbursement for a service that may be legally performed by a licensed pharmacist shall provide reimbursement for the prescribing, dispensing, or administration of controlled substances by a pharmacist when such prescribing, dispensing, or administration is in accordance with regulations of the Board of Pharmacy. *\*FDA-approved Nicotine Replacement Therapy and cessation medications are included.*

[HOUSE BILL 1338 Smoking; prohibited in multi-unit residential building, civil penalty.](#)

Prohibits smoking in any multi-unit residential building, including a condominium building or apartment building. A person who violates such prohibition is subject to a civil penalty of not more than \$25, to be paid into the Virginia Health Care Fund.

*House: Reported from Counties, Cities and Towns with substitute (15-Y 7-N)*

[HOUSE BILL 1570 Possession of tobacco products, nicotine vapor products, and alternative nicotine products.](#)

Provides an exception to the law prohibiting possession of tobacco products, nicotine vapor products, or alternative nicotine products by a person less than 21 years of age when such possession is part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in cigarette and tobacco use prevention and cessation and tobacco product regulation, provided that such medical research has been approved by an institutional review board pursuant to applicable federal regulations or by a research review committee.

*House: Subcommittee recommends reporting (4-Y 2-N)*

## Senate

[SENATE BILL 852 Tobacco products; tax on all tobacco products, penalties.](#)

Taxes on tobacco products; penalties. Provides that tobacco products, defined in the bill, would be subject to tax at rates of \$1.80 per pack of cigarettes or 39 percent of the wholesale price for all other tobacco products. Current law imposes taxes of \$0.30 per pack of cigarettes, 10 percent of the wholesale price of certain tobacco products, and various weight-based rates that apply to moist snuff and loose leaf tobacco. The bill broadens the definition of "tobacco product" to include electronic smoking devices, which are not taxed under current law.

The bill authorizes all localities to tax all tobacco products with no restriction on the tax rate. Under current law, cities may tax only cigarettes, and the Counties of Arlington and Fairfax may tax cigarettes at a rate no higher than the state rate.

The bill dedicates portions of revenue accruing as a result of the tax increases and new taxes established by the bill to the Department of Health for its costs related to Quit Now Virginia for the purpose of providing free information and coaching to residents who want to quit smoking or using tobacco; to the Virginia Foundation for Healthy Youth to fund initiatives to prevent or reduce youth tobacco use; the

Department of Behavioral Health and Developmental Services to fund initiatives to educate merchants on the laws governing the sale of tobacco products; and to the general fund.

*Senate: Passed by indefinitely in Finance and Appropriations (12-Y 1-N)*

[SENATE BILL 952 High-nicotine vapor products; specialty retail facility; penalty.](#)

Prohibits the sale of nicotine vapor products that contain more than 20 milligrams of nicotine per milliliter at retail except at a retail facility that generates at least 50 percent of its revenue from the sale of tobacco products; nicotine vapor products, including liquid nicotine; and alternative nicotine products. The bill provides that any person who violates this prohibition is guilty of a Class 4 misdemeanor.

*Senate: Referred to Committee on Commerce and Labor on 1.13.20*

[SENATE BILL 966 Flavored nicotine vapor product; prohibition, penalty.](#)

Prohibits the sale or distribution at retail of a flavored nicotine product. The bill provides that any person who violates this prohibition is guilty of a Class 4 misdemeanor.

*Senate: Referred to Committee on Commerce and Labor on 1.14.20*

[SENATE BILL 1026 Pharmacists; prescribing, dispensing, and administering of certain drugs and devices.](#)

Pharmacists; prescribing, dispensing, and administering of certain drugs and devices. Authorizes the prescribing, dispensing, and administering of certain drugs and devices by a pharmacist, provided that such pharmacist prescribes, dispenses, or administers such drugs and devices in accordance with a statewide protocol developed by the Board of Pharmacy in consultation with the Board of Medicine and set forth in regulations of the Board of Pharmacy. The bill clarifies that an accident and sickness insurance policy that provides reimbursement for a service that may be legally performed by a licensed pharmacist shall provide reimbursement for the prescribing, dispensing, or administering of drugs and devices by a pharmacist when such prescription, dispensation, or administration is in accordance with regulations of the Board of Pharmacy. *\*FDA-approved Nicotine Replacement Therapy and cessation medications are included.*

*Senate: Assigned Education sub: Health Professions on 1.27.20*