



SF0050

**Nicotine products-lawful age and penalties.**

Sponsored By: Joint Revenue Interim Committee

AN ACT relating to nicotine products; prohibiting the sale or furnishing of nicotine products to persons under twenty-one years of age as specified; prohibiting the possession and use of nicotine products by persons under twenty-one years of age as specified; providing penalties; repealing specified penalty provisions; and providing for an effective date.

1/21/2020 Bill Number Assigned  
2/10/2020 S Received for Introduction  
2/11/2020 S Introduced and Referred to S03 - Revenue 22-7-1-0-0

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Boner, Coe, Dockstader, Driskill, Ellis, Gierau, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Von Flatern, Wasserburger

**Nays:** Senator(s) Biteman, Bouchard, Case, Hicks, Hutchings, James, Steinmetz

**Excused:** Senator Agar

**Ayes** 22    **Nays** 7    **Excused** 1    **Absent** 0    **Conflicts** 0

2/14/2020 S03 - Revenue:Recommend Amend and Do Pass 3-2-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Baldwin, Case, Ellis

**Nays:** Senator(s) Biteman, Driskill

**Ayes** 3    **Nays** 2    **Excused** 0    **Absent** 0    **Conflicts** 0

2/14/2020 S Placed on General File

**SF0050SS001/ADOPTED**

Page 1-line 11 Delete "a new paragraph" and insert "new paragraphs"; after "(vi)" insert "and (vii)".

Page 1-line 14 Delete "(b)(i) and".

Page 1-line 15 Delete the first "(ii)," ; delete "(b)(i) and (ii),".

Page 2-line 11 Reinsert stricken "Tobacco"; delete "Nicotine".

Page 2-line 13 Reinsert stricken ", but".

Page 2-line 14 Reinsert stricken "not limited to,".

Page 2-line 15 Delete "." and insert ";".

Page 2-lines 16 and 17 Delete entirely.

Page 4-after line 6 Insert:

"(vi) "Nicotine products" means tobacco products and electronic cigarettes;".

Page 4-line 8 Delete "(vi)" and insert "(vii)".

Page 13-lines 5 through 15 Delete entirely.

Page 14-lines 15 through 21 Delete entirely.

Page 15-lines 1 through 3 Delete entirely. CASE, CHAIRMAN

**SF0050SW001/FAILED**

Page 1-line 5 Delete "providing penalties;".

Page 1-line 11 Delete "(b)(i) and".

Page 1-line 12 Before "(c)" delete "(ii),"; delete "(d)(i) and (ii),".

Page 1-line 14 Delete ", (c)(i) and (ii)".

Page 4-lines 21 through 23 Delete entirely.

Page 5-lines 2 through 15 Delete entirely.

Page 6-lines 1 through 11 Delete entirely.

Page 10-lines 19 through 21 Delete entirely.

Page 11-lines 1 through 7 Delete entirely. ELLIS

2/20/2020 S COW:Passed

2/21/2020 S 2nd Reading:Passed

2/24/2020 S 3rd Reading:Passed 16-14-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Boner, Coe, Gierau, Kinskey, Kost, Landen, Moniz, Pappas, Rothfuss, Scott, Von Flatern, Wasserburger

**Nays:** Senator(s) Agar, Biteman, Bouchard, Case, Dockstader, Driskill, Ellis, Hicks, Hutchings, James, Nethercott, Perkins, Schuler, Steinmetz

**Ayes** 16    **Nays** 14    **Excused** 0    **Absent** 0    **Conflicts** 0

2/25/2020 H Received for Introduction

2/25/2020 H Introduced and Referred to H03 - Revenue

2/27/2020 H03 - Revenue:Recommend Amend and Do Pass 8-0-1-0-0

**ROLL CALL**

**Ayes:** Representative(s) Connolly, Dayton, Hallinan, Laursen, Roscoe, Sweeney, Western, Zwonitzer

**Excused:** Representative Blackburn

**Ayes** 8    **Nays** 0    **Excused** 1    **Absent** 0    **Conflicts** 0

2/27/2020 H Placed on General File

**SF0050HS001/ADOPTED**

**(TO ENGROSSED COPY)**

Page 5-line 8 After "service" insert "or attend a tobacco or nicotine cessation program".

Page 5-line 9 Strike "five".

Page 5-line 10 Strike "dollars (\$5.00)" and insert "ten dollars (\$10.00)"; after "performed" insert "or each hour of tobacco or nicotine cessation program attended".

Page 5-line 16 After "service" insert "or attend a tobacco or nicotine cessation program".

Page 5-line 18 Strike "five dollars (\$5.00)" and insert "ten dollars (\$10.00)"; after "performed" insert "or each hour of tobacco or nicotine cessation program attended".

Page 13-line 10 Strike "five dollars (\$5.00)" and insert "ten dollars (\$10.00)".

Page 14-line 9 Strike "five dollars (\$5.00)" and insert "ten dollars (\$10.00)". ZWONITZER, CHAIRMAN

**SF0050HW001/ADOPTED**

**(TO ENGROSSED COPY)**

Page 1-line 5 After "penalties;" insert "repealing specified penalty provisions;".

Page 1-line 14 After "14-3-304(a)," insert "(b)(intro)".

Page 1-line 15 After "14-3-305(a)," insert "(b)(intro)".

Page 13-line 4 After "products." insert:

"A person shall not be arrested for an alleged violation of this subsection but shall be issued a citation as a charging document by a peace officer having probable cause to believe the person violated this subsection. An officer issuing a citation shall deposit one (1) copy of the citation with the court having jurisdiction over the alleged offense. Bond may be posted and forfeited for an offense charged under this section in an amount equal to the fine imposed by subsection (b) of this section.

(b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of ~~not more than one hundred dollars (\$100.00).~~."

Page 13-lines 14 through 18 Delete entirely and insert:

(d) ~~After twenty four (24) months or upon reaching the age of majority, whichever occurs later, a~~No conviction under this section, whether by guilty plea, adjudication of guilt or forfeiture of bond shall be reported by the court to any law enforcement agency. Upon payment of the fine imposed by subsection (b) of this section, a criminal conviction under this section ~~may shall~~ be expunged ~~in accordance with W.S. 14-6-241 by operation of law from all records of the court six (6) months after the entry of conviction. For any person whose record of conviction was expunged under this subsection, the conviction is deemed not to have occurred and the individual may reply accordingly upon any inquiry in the matter. No expungement under this subsection shall be considered for purposes of any other law providing for expungement.~~."

Page 14-line 3 After "products." insert:

"A person shall not be arrested for an alleged violation of this subsection but shall be issued a citation as a charging document by a peace officer having

probable cause to believe the person violated this subsection. An officer issuing a citation shall deposit one (1) copy of the citation with the court having jurisdiction over the alleged offense. Bond may be posted and forfeited for an offense charged under this section in an amount equal to the fine imposed by subsection (b) of this section.

(b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of ~~not more than one hundred dollars (\$100.00).~~."

Page 14-lines 13 through 17 Delete entirely and insert:

"(e) ~~After twenty four (24) months or upon reaching the age of majority, whichever occurs later, a No conviction under this section, whether by guilty plea, adjudication of guilt or forfeiture of bond shall be reported by the court to any law enforcement agency. Upon payment of the fine imposed by subsection (b) of this section,~~ a criminal conviction under this section ~~may shall~~ be expunged ~~in accordance with W.S. 14-6-241 by operation of law from all records of the court six (6) months after the entry of conviction. For any person whose record of conviction was expunged under this subsection, the conviction is deemed not to have occurred and the individual may reply accordingly upon any inquiry in the matter. No expungement under this subsection shall be considered for purposes of any other law providing for expungement.~~".

Page 18-after line 11 Insert:

"**Section 2.** W.S. 14-3-304(b)(i) through (iii) and 14-3-305(b)(i) through (iii) are repealed."

Page 18-line 13 Delete "**Section 2.**" and insert "**Section 3.**". OLSEN

3/3/2020 H COW:Passed

**SF0050H2001/ADOPTED**

**(TO ENGROSSED COPY)**

Page 1-line 3

Delete "prohibiting the possession".

Page 1-lines 4 and 5

Delete entirely, including the Olsen committee of the whole amendment (SF0050HW001/AE) to these lines and insert "providing penalties; repealing a criminal violation and penalty provisions as specified; making conforming amendments; and".

Page 1-line 15

Delete the line through "and (e)," including the Olsen committee of the whole amendment (SF0050HW001/AE) to this line.

Page 2-line 1

After "through (iii)" insert "and (vi)"; delete "14-3-308(a) and".

Page 2-line 2

Delete "(c)" and insert "14-3-308".

Page 13-line 4

In the Olsen committee of the whole amendment (SF0050HW001/AE) to this line, in subsection (b) delete "one hundred dollars (\$100.00)" and insert "fifty dollars (\$50.00)".

Page 13-lines 20 and 21

Delete entirely.

Page 14-lines 1 through 17 Delete entirely including the House standing committee amendment (SF0050HS001/AE) and the Olsen committee of the whole amendment (SF0050HW001/AE) to these lines.

Page 16-after line 17 Insert:

"(vi) Any participant in an inspection under this section shall be granted immunity from prosecution under W.S. 14-3-304. ~~or 14-3-305.~~".

Page 18-after line 5 Insert:

"(b) No governmental entity shall enact any law or ordinance which changes the standards provided by W.S. 14-3-302(a) and (c), 14-3-303(a), ~~and 14-3-304(a).~~ ~~and 14-3-305(a).~~".

Page 18-after line 11 In the Olsen committee of the whole amendment (SF0050HW001/AE) to this line, delete "14-3-305(b)(i) through (iii)" and insert "14-3-305". OLSEN, SOMMERS

**SF0050H2002/ADOPTED**

**(TO ENGROSSED COPY)**

Page 4-line 22

After "years" strike "." and insert "unless the person is eighteen (18) years of age and a:

(i) Member of the military including military veterans;

(ii) Firefighter as defined in W.S. 27-15-101(a)(i) or volunteer firefighter as defined in W.S. 1-1-125(a)(iii)(B);

(iii) Peace officer as defined in W.S. 7-2-101(a)(iv);

(iv) Tribal law enforcement officer."

Page 13-line 4

In the Olsen committee of the whole amendment (SF0050HW001/AE) to this line, after "subsection (b) of this section." insert "The age requirement in this subsection shall not apply to a person who is eighteen (18) years of age and a:

(i) Member of the military including military veterans;

(ii) Firefighter as defined in W.S. 27-15-101(a)(i) or volunteer firefighter as defined in W.S. 1-1-125(a)(iii)(B);

(iii) Peace officer as defined in W.S. 7-2-101(a)(iv);

(iv) Tribal law enforcement officer."

LINDHOLM, CLAUSEN, GREEAR, ZWONITZER

3/4/2020

H 2nd Reading:Passed

**SF0050H3001/FAILED**

**(TO ENGROSSED COPY)**

Page 1-line 2

After "furnishing of" insert "certain".

Page 4-lines 20 through 22 Delete entirely including the Lindholm, et al. second reading amendment (SF0050H2002/AE) to these lines and insert:

"(a) No individual shall sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years. No individual shall sell, offer for sale, give away or deliver electronic cigarettes to any person under the age of twenty-one (21) years unless the person is eighteen (18) years of age and a:

(i) Member of the military including military veterans;

(ii) Firefighter as defined in W.S. 27-15-101(a)(i) or volunteer firefighter as defined in W.S. 1-1-125(a)(iii)(B);

(iii) Peace officer as defined in W.S. 7-2-101(a)(iv); or

(iv) Tribal law enforcement officer."

Page 5-lines 20 through 23 Delete entirely and insert:

"(c) No retailer shall sell, permit the sale, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years. No retailer shall sell, permit the sale, offer for sale, give away or deliver electronic cigarettes to any person under the age of twenty-one (21) years unless the person is eighteen (18) years of age and a:

(i) Member of the military including military veterans;

(ii) Firefighter as defined in W.S. 27-15-101(a)(i) or volunteer firefighter as defined in W.S. 1-1-125(a)(iii)(B);

(iii) Peace officer as defined in W.S. 7-2-101(a)(iv); or

(iv) Tribal law enforcement officer."

Page 7-lines 20 through 23 Delete entirely.

Page 8-lines 1 through 3 Delete entirely and insert:

"(f) It is an affirmative defense to a prosecution under subsections (a) and (c) of this section that, in the case of a sale, the person who sold the tobacco product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the tobacco product as being over eighteen (18) years of age. It is an affirmative defense to a prosecution under subsections (a) and (c) of this section that, in the case of a sale, the person who sold the electronic cigarette was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the electronic cigarette as being over twenty-one (21) years of age."

Page 8-lines 11 through 18 Delete entirely and insert:

"(i) Adopted and enforced a written policy against selling:

(A) Tobacco products to persons under the age of eighteen (18) years; and

(B) Electronic cigarettes to persons under the age of twenty-one (21) years, subject to lawful exceptions.†

(ii) Informed its employees of the applicable laws regarding the sale of:

(A) Tobacco products to persons under the age of eighteen (18) years; and

(B) Electronic cigarettes to persons under the age of twenty-one (21) years, subject to lawful exceptions.†".

Page 9-line 11 Reinsert stricken "tobacco" and delete "nicotine".

Page 9-line 12 Reinsert all stricken language; delete all new language.

Page 9-line 13 After "age" insert "and the sale of electronic cigarettes to persons under twenty-one (21) years unless otherwise provided for by law".

Page 12-lines 19 and 20 Delete entirely and insert:

**"14-3-304. Purchase by persons of a certain age prohibited."**.

Page 12-lines 22 and 23 Delete entirely.

Page 13-lines 1 through 4 Delete entirely, including the Olsen committee of the whole amendment (SF0050HW001/AE) to these lines, the Olsen, et al. second reading amendment (SF0050H2001/AE) to these lines and the Lindholm, et al. second reading amendment (SF0050H2002/AE) to these lines and insert:

"(a) No person under the age of eighteen (18) years shall purchase or attempt to purchase tobacco products, or misrepresent his identity or age, or use any false or altered identification for the purpose of purchasing or attempting to purchase tobacco products. No person under the age of twenty-one (21) years shall purchase or attempt to purchase electronic cigarettes, or misrepresent his identity or age, or use any false or altered identification for the purpose of purchasing or attempting to purchase electronic cigarettes unless the person is eighteen (18) years of age and a member of the military including military veterans, a firefighter as defined in W.S. 27-15-101(a)(i), a volunteer firefighter as defined in W.S. 1-1-125(a)(iii)(B), a peace officer as defined in W.S. 7-2-101(a)(iv) or a tribal law enforcement officer. A person shall not be arrested for an alleged violation of this subsection but shall be issued a citation as a charging document by a peace officer having probable cause to believe the person violated this subsection. An officer issuing a citation shall deposit one (1) copy of the citation with the court having jurisdiction over the alleged offense. Bond may be posted and forfeited for an offense charged under this section in an amount equal to the fine imposed by subsection (b) of this section.

(b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00).†".

Page 15-line 2 Delete "twenty-one (21) years of age" and insert "the applicable age restriction".

Page 15-line 6 After "under" delete balance of line.

Page 15-line 7 Delete "age" and insert "the applicable age restriction".

Page 16-lines 9 through 17 Delete entirely and insert:

"(ii) A minor participating in an inspection relating to tobacco products shall, if questioned, state his true age and that he is less than eighteen (18) years of age. Any person under twenty-one (21) years of age participating in an inspection relating to electronic cigarettes shall, if questioned, state his true age and that he is less than twenty-one (21) years of age;

(iii) For inspections relating to tobacco products, the minor's appearance shall not be altered to make him appear to be eighteen (18) years of age or older. For inspections relating to electronic cigarettes, the appearance of a person under twenty-one (21) years of age shall not be altered to make him appear to be twenty-one (21) years of age or older;".

Page 17-lines 1 through 15 Delete entirely and insert:

"(C) The name and position of the person from whom the participant attempted to purchase tobacco products or electronic cigarettes;

(F) The results of the inspection, including whether the inspection resulted in the sale or distribution of, or offering for sale, tobacco products to the minor or whether the inspection resulted in the sale or distribution of, or offering for sale, electronic cigarettes to a person under twenty-one (21) years of age in violation of law.

(v) Request a law enforcement officer to issue a citation for any illegal acts relating to providing tobacco products to minors during the inspection or to providing electronic cigarettes to persons under twenty-one (21) years in violation of law during the inspection.".

Page 17-line 23 Reinsert all stricken language; delete all new language.

Page 18-lines 1 through 4 Reinsert all stricken language; delete all new language.

Page 18-line 5 After "article." insert "Except as specified under subsection (b) of this section, this article shall not be construed to prohibit the imposition by local law or ordinance of further regulation or prohibition upon the sale, use and possession of electronic cigarettes to any person under twenty-one (21) years of age, but the governmental entity shall not permit or authorize the sale, use or possession of electronic cigarettes to any person under twenty-one (21) years of age in violation of this article.". LAURSEN, LINDHOLM



**SF0050H3002/ADOPTED (TO ENGROSSED COPY)**

Delete the Lindholm, et al. second reading amendment (SF0050H2002/AE) and the Laursen, et al. third reading amendment (SF0050H3001/AE) entirely. EYRE, NEWSOME

**SF0050H3003/ADOPTED (TO ENGROSSED COPY)**

Delete the Olsen, et al. second reading amendment (SF0050H2001/AE) entirely, the Lindholm, et al. second reading amendment (SF0050H2002/AE) entirely and the Laursen, et al. third reading amendment (SF0050H3001/AE) entirely and further amend as follows:

Page 13-line 4 In the Olsen committee of the whole amendment (SF0050HW001/AE) to this line, in subsection (b) delete "one hundred dollars (\$100.00)" and insert "twenty-five dollars (\$25.00)".

Page 14-line 3 In the Olsen committee of the whole amendment (SF0050HW001/AE) to this line, in subsection (b) delete "one hundred dollars (\$100.00)" and insert "twenty-five dollars (\$25.00)". HARSHMAN, CONNOLLY

3/5/2020 H 3rd Reading:Passed 37-23-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Barlow, Blackburn, Blake, Burkhart, Burlingame, Connolly, Crank, Dayton-Selman, Eklund, Eyre, Freeman, Furphy, Haley, Hallinan, Harshman, Henderson, Kinner, Kirkbride, Larsen Lloyd, Loucks, Macguire, Newsome, Northrup, Obermueller, Pelkey, Pownall, Roscoe, Salazar, Schwartz, Simpson, Sommers, Sweeney, Walters, Western, Wilson, Yin, Zwonitzer

**Nays:** Representative(s) Brown, Clausen, Clem, Clifford, Duncan, Edwards, Flitner, Gray, Greear, Hunt, Jennings, Laursen Dan, Lindholm, Miller, Nicholas, Olsen, Paxton, Piiparinen, Stith, Styvar, Tass, Washut, Winter

**Ayes 37 Nays 23 Excused 0 Absent 0 Conflicts 0**

3/9/2020 S Received for Concurrence

3/9/2020 S Concur:Failed 0-30-0-0-0

**ROLL CALL**

**Nays:** Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

**Ayes 0 Nays 30 Excused 0 Absent 0 Conflicts 0**

3/9/2020 S Appointed JCC01 Members  
Senator(s) Wasserburger, Case, Coe

3/10/2020 H Appointed JCC01 Members  
Representative(s) Sommers, Flitner, Zwonitzer

3/11/2020 S Did Not Adopt SF0050JC001: 15-14-1-0-0

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Anselmi-Dalton, Baldwin, Boner, Coe, Gierau, Hicks, Kinskey, Moniz, Nethercott, Pappas, Rothfuss, Schuler, Von Flatern, Wasserburger

**Nays:** Senator(s) Bebout, Biteman, Bouchard, Case, Dockstader, Driskill, Ellis, Hutchings, James, Kost, Landen, Perkins, Scott, Steinmetz

**Excused:** Senator Agar

**Ayes** 15     **Nays** 14     **Excused** 1     **Absent** 0     **Conflicts** 0

3/11/2020     Pursuant to JR 2-1(c):S Appointed JCC02 Members  
                  Senator(s) Coe, Baldwin, Case

3/11/2020     JCC Report Reconsideration Motion Passed by Roll Call 22-7-1-0-0

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Boner, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Rothfuss, Schuler, Scott, Von Flatern, Wasserburger

**Nays:** Senator(s) Biteman, Bouchard, Hicks, Hutchings, James, Perkins, Steinmetz

**Excused:** Senator Agar

**Ayes** 22     **Nays** 7     **Excused** 1     **Absent** 0     **Conflicts** 0

3/11/2020     S Adopted SF0050JC001: 18-11-1-0-0

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Anselmi-Dalton, Baldwin, Boner, Case, Coe, Gierau, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Rothfuss, Schuler, Scott, Von Flatern, Wasserburger

**Nays:** Senator(s) Bebout, Biteman, Bouchard, Dockstader, Driskill, Ellis, Hicks, Hutchings, James, Perkins, Steinmetz

**Excused:** Senator Agar

**Ayes** 18     **Nays** 11     **Excused** 1     **Absent** 0     **Conflicts** 0

3/11/2020     Assigned Number SEA No. 0053

3/12/2020     S President Signed SEA No. 0053

3/12/2020     H Speaker Signed SEA No. 0053

3/13/2020     Governor Signed SEA No. 0053

3/13/2020     Assigned Chapter Number 83

Chapter No. 83     Session Laws of Wyoming 2020