

SENATE FILE NO. SF0052

Tobacco products-mail and online sales prohibition.

Sponsored by: Joint Revenue Interim Committee

A BILL

for

1 AN ACT relating to tobacco products; prohibiting the  
2 shipment or transport of tobacco products into the state  
3 when purchased by mail or through electronic means as  
4 specified; providing an exception; providing penalties; and  
5 providing for an effective date.

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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:

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11 **14-3-309. Prohibition on mail order or internet**  
12 **purchases and sales; penalties.**

13

14 (a) No person engaged in the business of selling at  
15 retail or wholesale shall knowingly ship or transport or  
16 cause to be shipped or transported any tobacco product

1 ordered or purchased by mail, through the internet or  
2 through any other electronic means to any person in this  
3 state other than to a vendor licensed under W.S. 39-15-106.  
4 Any person violating this subsection is liable for a civil  
5 penalty of not less than one thousand dollars (\$1,000.00)  
6 but not more than five thousand dollars (\$5,000.00) for  
7 each violation. This penalty may be recovered by the  
8 district attorney in a civil action brought in the name of  
9 the state of Wyoming in any court of appropriate  
10 jurisdiction. For the purpose of this subsection, each  
11 shipment or transport of tobacco products shall constitute  
12 a separate violation. In addition to any other remedy  
13 provided by law for the recovery of the penalty and any  
14 interest thereon, the district attorney may recover any  
15 costs or damages relating to the recovery effort including  
16 attorney's fees.

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18 (b) No person other than a vendor licensed under W.S.  
19 39-15-106 or agent thereof shall knowingly accept delivery  
20 of a tobacco product in this state that was ordered or  
21 purchased by mail, through the internet or through any  
22 other electronic means. Any person violating this  
23 subsection is liable for a civil penalty of not less than

1 two hundred fifty dollars (\$250.00) but not more than one  
2 thousand dollars (\$1,000.00) for each violation. This  
3 penalty may be recovered by the district attorney in a  
4 civil action brought in the name of the state of Wyoming in  
5 any court of appropriate jurisdiction. In addition to any  
6 other remedy provided by law for the recovery of the  
7 penalty and any interest thereon, the district attorney may  
8 recover any costs or damages relating to the recovery  
9 effort including attorney's fees.

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11 (c) This section shall not apply to the sale,  
12 shipment or transport of traditional large and premium  
13 cigars to a consumer who is of lawful age. Under this  
14 subsection, "traditional large and premium cigars" means  
15 any roll of tobacco that:

16

17 (i) Is wrapped in one hundred percent (100%)  
18 leaf tobacco;

19

20 (ii) Is bunched with one hundred percent (100%)  
21 tobacco filler;

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1           (iii) Does not contain a filter, tip or  
2 nontobacco mouthpiece;

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4           (iv) Has a one hundred percent (100%) leaf  
5 tobacco binder and is hand rolled;

6

7           (v) Has a one hundred percent (100%) leaf  
8 tobacco binder made using human hands to lay the leaf  
9 tobacco wrapper or binder onto only one (1) machine that  
10 bunches, wraps and caps each individual cigar or has a  
11 homogenized tobacco leaf binder and is made in the United  
12 States using human hands to lay one hundred percent (100%)  
13 leaf tobacco wrapper onto only one (1) machine that  
14 bunches, wraps and caps each individual cigar.

15

16           (d) Any person violating subsection (a) of this  
17 section, in addition to the penalties therein prescribed,  
18 has engaged in an deceptive trade practice in violation of  
19 W.S. 40-12-105(a)(i) and is subject to the provisions of  
20 the Wyoming Consumer Protection Act.

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

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

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4           (a) As used in this article:

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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.

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

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(END)