

VAPOR PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS

Prior Law

Iowa Code chapter 453A governs cigarette and tobacco taxes; restrictions on sales to minors; and compliance and permitting requirements for retailers, wholesalers, and distributors. The chapter regulates cigarettes, tobacco, and tobacco products; it does not regulate other nicotine products.

New Provisions

In addition to cigarettes, tobacco, and tobacco products, Iowa Code chapter 453A now regulates the sale of “alternative nicotine products” and “vapor products,” however, “alternative nicotine products” or “vapor products” are not subject to the cigarette or tobacco excise tax.

“Alternative nicotine products” and “vapor products” are defined in section 453A.1:

- “Alternative nicotine product” means “a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means.” “Alternative nicotine product” does not include “cigarettes, tobacco products, or vapor products or a product that is regulated as a drug or device by the United States food and drug administration.”
- “Vapor product” means “any noncombustible product, which may or may not contain nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size that can be used to produce vapor from a solution or other substance. Vapor product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.” “Vapor product” does not include “a product regulated as a drug or device by the United States food and drug administration.”

All items previously defined as cigarettes, tobacco, or tobacco products continue to be defined as such.

Persons under the age of 18 are now prohibited from using, possessing, purchasing, or attempting to purchase alternative tobacco products or vapor products. In addition, it is unlawful for any person to sell, give, or otherwise supply an alternative nicotine product or vapor product to a person under the age of 18.

The permitting requirements for cigarette, tobacco, and tobacco product sales now apply to alternative nicotine products and vapor products. The rules and penalties that apply to sales of tobacco, tobacco products, and cigarettes through cigarette vending machines now apply to sales of alternative nicotine products and vapor products. In addition, the restrictions on the use of self-service displays and samples for cigarettes, tobacco, and tobacco products also apply to alternative nicotine products and vapor products.

Sections Amended

Section 1 of 2014 Iowa Acts House File 2109 amends section 453A.1 subsection 21, Code 2014. Section 2 adds new subsections 01 and 26A to section 453A.1, Code 2014. Section 3 amends section 453A.2, subsections 1,2, 3, and 8, Code 2014. Section 4 amends section 453A.4, subsection 1, Code 2014. Section 5 amends section 453A.5, subsection 1, Code 2014. Section 6 amends section 453A.13, subsection 1, Code 2014. Section 7 amends section 453A.13, subsections 6, 9, and 10, Code 2014. Section 8 amends section 453A.36, subsections 6, 7, and 11, Code 2014. Section 9 amends section 453A.36A, subsection 1, Code 2014. Section 10 amends section 453A.39, subsection 2, paragraph b, Code 2014. Section 11 amends section 453A.42, subsection 10, Code 2014. Section 12 amends section 453A.47A, subsections 1, 2, 4, 5, and 10, Code 2014. Section 13 amends section 805.8C, subsection 3, Code 2014. Section 15 amends the title of Iowa Code chapter 453A, Code 2014.

Effective Date

July 1, 2014