

HB0523/973023/3

BY: Senator Middleton

AMENDMENTS TO HOUSE BILL 523, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 3 of the bill, in line 25, after “**TO**” insert “**A CONSUMER, IF THE CONSUMER PURCHASES OR ORDERS THE SYSTEMS THROUGH THE MAIL, A COMPUTER NETWORK, A TELEPHONIC NETWORK, OR ANOTHER ELECTRONIC NETWORK,**”; in line 26, after “**DISTRIBUTOR**” insert a comma; and in line 27, after “**OR**” insert “**A LICENSED**”.

On page 4 of the bill, in line 12, after “**STATE**” insert “**; OR**”

(III) UNLESS OTHERWISE PROHIBITED OR RESTRICTED UNDER LOCAL LAW, THIS ARTICLE, OR THE CRIMINAL LAW ARTICLE, DISTRIBUTES SAMPLE ELECTRONIC NICOTINE DELIVERY SYSTEMS TO A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER OR VAPE SHOP VENDOR”.

On page 5 of the bill, in line 10, before “**A**” insert “**(1)**”; in lines 12, 14, 16, and 20, strike “**(1)**”, “**(2)**”, “**(3)**”, and “**(4)**”, respectively, and substitute “**(I)**”, “**(II)**”, “**(III)**”, and “**(2)**”, respectively; in lines 15 and 17, in each instance, after the semicolon insert “**OR**”; and in line 21, before “**ACT**” insert “**A LICENSE ISSUED BY THE CLERK UNDER § 16.7-203(B) OF THIS TITLE TO:**”

(I)”.

On page 6 of the bill, in line 2, strike “**PROPLYENE**” and substitute “**PROPYLENE**”; and in line 4, strike “**CONTAINS**” and substitute “**MAY OR MAY NOT CONTAIN**”.

(Over)

On page 9 of the bill, in line 32, strike “AND”.

On page 10 of the bill, after line 1, insert:

“(IV) A CONSUMER IF:

1. THE LICENSEE MANUFACTURED THE SYSTEMS;

AND

2. THE CONSUMER PURCHASES OR ORDERS THE SYSTEMS THROUGH THE MAIL, A COMPUTER NETWORK, A TELEPHONIC NETWORK, OR ANOTHER ELECTRONIC NETWORK; AND”;

in line 14, after “**LICENSE**” insert “**; AND**”

(3) EXCEPT AS OTHERWISE PROHIBITED OR RESTRICTED UNDER LOCAL LAW, THIS ARTICLE, OR THE CRIMINAL LAW ARTICLE, DISTRIBUTE ELECTRONIC NICOTINE DELIVERY SYSTEMS PRODUCTS TO A LICENSED ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER OR VAPE SHOP VENDOR”;

in line 18, after “**(B)**” insert “**(1)**”; in lines 20, 22, and 25, strike “**(1)**”, “**(2)**”, and “**(3)**”, respectively, and substitute “**(I)**”, “**(II)**”, and “**(III)**”, respectively; in line 20, before “**SELL**” insert “**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**”; and before line 29, insert:

(2) AN ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER LICENSE DOES NOT AUTHORIZE THE LICENSEE TO SHIP, SELL, OR CAUSE TO BE SHIPPED TO A CONSUMER WHO PURCHASES OR ORDERS AN ELECTRONIC

NICOTINE DELIVERY SYSTEM THROUGH THE MAIL, A COMPUTER NETWORK, A TELEPHONIC NETWORK, OR ANOTHER ELECTRONIC NETWORK.

On page 16 of the bill, in line 1, after “**(2)**” insert “**MONEY PAID IN LIEU OF SUSPENSION OR REVOCATION SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.**”

(3)”;

and in line 3, strike “**(3)**” and substitute “**(4)**”.

AMENDMENT NO. 2

On page 1 of the Finance Committee Amendments (HB0523/397275/1), in line 2 of Amendment No. 2, strike “**OR**”.

On page 2 of the Finance Committee Amendments, in line 10 of Amendment No. 2, strike “**(5)**” and substitute “**(II)**”; and in line 12, strike “**16.7-203**” and substitute “**16.7-203(A)**”.

On page 4 of the Finance Committee Amendments, in line 9 of Amendment No. 3, strike “**(4)**” and substitute “**(IV)**”.

On page 5 of the Finance Committee Amendments, in line 14 of Amendment No. 4, strike “**(4)**” and substitute “**(5)**”.