**A** **BILL**

TO AMEND SECTION 16‑17‑500, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE “YOUTH ACCESS TO TOBACCO PREVENTION ACT OF 2006”, SO AS TO PROHIBIT MINORS FROM ENTERING RETAIL ESTABLISHMENTS THAT PRIMARILY SELL TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR BOTH; AND TO AMEND SECTION 16‑17‑501, RELATING IN PART TO THE DEFINITION OF “ALTERNATIVE NICOTINE PRODUCT”, SO AS TO CHANGE THE DEFINITION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 16‑17‑500 (E)(1), (F)(1), and (J) of the 1976 Code is amended to read:

“(E)(1) An individual who knowingly violates a provision of subsections (A), (B), (C), ~~or~~ (D), or (J) in person, by agent, or in any other way is guilty of a misdemeanor and, upon conviction, must be:

(F)(1)(a) A minor under the age of eighteen years must not purchase, attempt to purchase, possess, or attempt to possess a tobacco product or an alternative nicotine product, or present or offer proof of age that is false or fraudulent for the purpose of purchasing or possessing these products.

(b) A minor under the age of eighteen years is prohibited from entering a retail establishment that has as its primary purpose the sale of tobacco products, alternative nicotine products, or both.

(J)(1) A retail establishment that has as its primary purpose the sale of tobacco products, alternative nicotine products, or both, must prohibit minors under the age of eighteen years of age from entering the retail establishment and shall determine whether a person is at least eighteen years by requiring proper proof of age in accordance with subsection (B).

(2) A retail establishment described in item (1) must conspicuously post on all entrances to the establishment the following:

(a) a sign in boldface type that states ‘NOTICE: It is unlawful for a person under eighteen years of age to enter this store.’

(b) a sign printed in letters and numbers at least one‑half inch high that displays a toll free number for assistance to callers in quitting smoking, as determined by the Department of Health and Environmental Control.

(K) Notwithstanding any other provision of law, a violation of this section does not violate the terms and conditions of an establishment’s beer and wine permit and is not grounds for revocation or suspension of a beer and wine permit.”

SECTION 2. A. The undesignated clause in Section 16‑17‑501 of the 1976 Code is amended to read:

“As used in this section and Sections 16‑17‑500, 16‑17‑502, 16‑17‑503, and 16‑17‑504:”

B. Section 16‑17‑501(6) of the 1976 Code is amended to read:

“(6) ‘Alternative nicotine product’ means a product, including electronic cigarettes, that consists of or contains nicotine or other substances that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any other means. “Alternative nicotine product” does not include:

(a) a cigarette, as defined in Section 12‑21‑620, or other tobacco products, as defined in Section 12‑21‑800;

(b) a product that is a drug pursuant to 21 U.S.C. 321(g)(1);

(c) a device pursuant to 21 U.S.C. 321(h); or

(d) a combination product described in 21 U.S.C. 353(g).”

SECTION 3. This act takes effect upon approval by the Governor.

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