**A** **BILL**

TO AMEND ARTICLE 7, CHAPTER 17, TITLE 16 OF THE 1976 CODE, RELATING TO MISCELLANEOUS OFFENSES AGAINST PUBLIC POLICY, BY ADDING SECTION 16-17-507, TO PROHIBIT THE SALE AND POSSESSION OF FLAVORED VAPOR PRODUCTS, AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Article 7, Chapter 17, Title 16 of the 1976 Code is amended by adding:

“Section 16-17-507. (A) For the purposes of this section:

(1) ‘Characterizing flavor’ means a distinguishable taste, aroma, or both, other than the taste or aroma of tobacco. Characterizing flavors include, but are not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice. A flavored e-liquid or vapor product shall not be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information.

(2) ‘Flavored e-liquid or vapor product’ means any tobacco product, or any byproduct produced by the tobacco product, that contains a constituent part that imparts a characterizing flavor.

(B) It is unlawful for a person to sell, offer for sale, or possess with the intent to sell or offer for sale any flavored e-liquid or vapor product, or any product that the person knows or reasonably should know will be used with or in a vapor product to create a flavored e-liquid or vapor product. This section applies to the sale, offer for sale, or possession with the intent to sell or offer for sale of any flavored e-liquid or vapor product at a location or by any means in this State, including, but not limited to, the use of a telephonic or other method of voice transmission, the mail or any other delivery service, or the internet or other electronic means.

(B) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars, imprisoned not more than one year, or both.”

SECTION 2. This act takes effect upon approval by the Governor.

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