

**An Act to Amend Chapter 12
of the Acts of 2002,
the Smoke-free Places Act,
and Chapter 14 of the Acts of 1993,
the Tobacco Access Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 12 of the Acts of 2002, the *Smoke-free Places Act*, as amended by Chapter 59 of the Acts of 2005, is further amended by

(a) relettering clause (a) as clause (aa) and adding immediately preceding that clause the following clause:

(a) “electronic cigarette” means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, containing a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled;

(b) striking out clause (h) and substituting the following clause:

(h) “smoke” means smoke, inhale or exhale smoke from, burn, carry, hold or otherwise have control over a lit or heated cigarette, cigar, pipe, water pipe, electronic cigarette or other device that burns or heats tobacco or another substance that is intended to be smoked or inhaled;

(c) striking out the period at the end of clause (i); and

(d) adding the following clause immediately after clause (i):

(j) “water pipe” means any lighted or heated smoking equipment used to burn tobacco or non-tobacco substances or any combination thereof and draw the resulting smoke through a liquid before it is inhaled.

2 Section 3 of Chapter 14 of the Acts of 1993, the *Tobacco Access Act*, as amended by Chapter 12 of the Acts of 1999, is further amended by

(a) relettering clause (a) as clause (aa) and adding immediately preceding that clause the following clause:

(a) “electronic cigarette” means a vaporizer or inhalant-type device, whether called an electronic cigarette or any other name, containing a power source and heating element designed to heat a substance and produce a vapour intended to be inhaled and includes all components used in conjunction with the device, including the e-liquid, cartridge and any other component that may be sold separately from the device itself;

(b) striking out “*Tobacco Tax Act*” in the second line of clause (e) and substituting “*Revenue Act* and electronic cigarettes”;

and

(c) striking out “*Tobacco Tax Act*” in the second line of clause (h) and substituting “*Revenue Act*”.

3 Subsection 12(2) of Chapter 14, as amended by Chapter 12 of the Acts of 1999, is further amended by

(a) striking out clauses (a), (b) and (c); and

(b) adding the following clauses:

(a) in the case of a second offence, seven consecutive days;

(b) in case of third offence, not less than three consecutive months and not more than six consecutive months; and

(c) in the case of a fourth or subsequent offence, not less than twelve consecutive months and not more than twenty-four consecutive months.

4 This Act has effect on and after May 31, 2015.
