S-0171.1

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**SENATE BILL 5124**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Warnick, Honeyford, Dansel, Fain, Keiser, Roach, Mullet, and Darneille

AN ACT Relating to prohibiting the sale of vapor products to minors; and amending RCW 26.28.080.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 26.28.080 and 2013 c 47 s 1 are each amended to read as follows:

(1) Every person who sells or gives, or permits to be sold or given, to any person under the age of eighteen years any cigar, cigarette, cigarette paper or wrapper, tobacco in any form, or a vapor product is guilty of a gross misdemeanor.

(2) It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(3) For the purposes of this section, "vapor product" means a noncombustible ((~~tobacco-derived~~)) product ((~~containing nicotine~~)) that employs a device, not including a medical device, containing a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to heat a liquid ((~~nicotine solution~~)) contained in cartridges for the purpose of direct inhalation of the resultant vapor. Vapor product does not include a product designed solely to produce an ambient aroma or any product that is regulated by the United States food and drug administration under chapter V of the federal food, drug, and cosmetic act.

**--- END ---**