

SB 2850 -- Redline

Introduced to Current version -- Cigarettes and vape products; require Commissioner of Revenue to establish separate directories to regulate sales of.

Deletions ~~struck~~ · Insertions underlined

2850 (As Passed the Senate) AN ACT RELATING TO THE SALE OF CIGARETTES IN MISSISSIPPI;

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ G3/5 ~~25/SS26/R462.2~~25/SS26/R462PS PAGE 1 ~~(icj\tb)~~
COMMISSIONER OF REVENUE A CERTIFICATION THAT THE MANUFACTURER IS COMPLIANT WITH THIS ~~ACT~~ACT AND FEDERAL
LAW;

~~TO DEFINE CERTAIN TERMS;~~

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~2(icj\tb)~~2 SUBSEQUENT VIOLATIONS, THE ATTORNEY GENERAL OR DISTRICT ATTORNEY MAY BRING AN ACTION IN STATE COURT TO PREVENT A MANUFACTURER, RETAILER, DISTRIBUTOR, WHOLESALER, OR IMPORTER FROM SELLING OR OFFERING TO SELL AN ENDS PRODUCT THAT IS NOT INCLUDED IN THE DIRECTORY;

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~3(icj\tb)~~3 identical or similar to, or identifiable with, a previously known brand of cigarettes.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~4(icj\tb)~~4 (i) Manufactures cigarettes anywhere that the manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer;

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~5(icj\tb)~~5 (i) "Retailer" means a person, other than a wholesaler, whose business is that of selling merchandise at retail and who sells, or offers for sale, cigarettes to a consumer in this state.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~6(icj\tb)~~6 (c) Verification that the manufacturer is registered to do business in this state or has a resident agent for service of process, as required under Section 6 of this act;

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~7(icj\tb)~~7 distributed for commercial distribution or sale in the United States.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~8(icj\tb)~~8 (c) The manufacturer failed to include with its certification the payment required by subsection (4) of Section 2;

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~9(icj\tb)~~9 the deficiencies or otherwise establish that the manufacturer or its brand family should be included in the directory.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~10(icj\tb)~~10 inventory on the date of removal from the directory or remove those cigarettes from inventory.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~11(icj\tb)~~11 (5) Cigarettes in the possession of a consumer who has made a bona fide purchase of the cigarettes subject to being seized under this section may not be seized.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~12(icj\tb)~~12 retailer, distributor, wholesaler or importer occurring within a period of twelve (12) months after the initial violation, the civil penalty must be an amount not less than One Thousand Dollars (\$1,000.00) nor more than One Thousand Five Hundred Dollars (\$1,500.00) per day for each style of cigarette in a brand family which is offered for sale in violation of Sections 1 through 9 of this act until the offending product is removed from the market or properly listed on the directory.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~13(icj\tb)~~13 appoint and continually engage, without interruption, a registered agent in Mississippi for service of process on whom all process and any action or proceeding arising out of the enforcement of Sections 1 through 9 of this act may be served.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~14(icj\tb)~~14 for service of process and any other information relating to the new appointment which may be requested by the commissioner.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~15(icj\tb)~~15 status of the directory, manufacturers and cigarettes included in the directory, revenue and expenditures related to administration of Sections 1 through 9 of this act, and enforcement activities undertaken pursuant to Sections 1 through 9 of this act.

and (iii) Does not include any product regulated as a drug or device under Chapter V of the Federal Food, Drug, and Cosmetic Act (21 USC ~~Section~~Sec. 351 et seq.).

(d) "Timely filed premarket tobacco product application" means an application pursuant to 21 USC ~~Section~~Sec. 387j for an ENDS product containing nicotine derived from tobacco marketed in S.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~16(icj\tb)~~16 ~~marketed in~~

the United States as of August 8, 2016, that was submitted to the United States Food and Drug Administration on or before September 9, 2020, and accepted for filing.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~17(icj\tb)17~~ collected.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~18(icj\tb)18~~ 27-69-55.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~19(icj\tb)19~~ state the time and place and cause of seizure, and give the name and place of residence, if known, of the person from whom the property was seized, and shall require any person claiming it to appear and make such claims in writing, within five (5) days from the date of the first posting of such notice.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~20(icj\tb)20~~ attorney, or district attorney, as the case may be, shall prosecute the case to secure the forfeiture of said property in the court having jurisdiction.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~21(icj\tb)21~~ county court shall have jurisdiction concurrent with the circuit court, and with the justice court where the value of the property seized does not exceed One Thousand Dollars (\$1,000.00).

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~22(icj\tb)22~~ section and Section 27-69-53 and under Section 27-69-56 for the seizure, forfeiture and sale of the same contraband goods, such actions can proceed simultaneously.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~23(icj\tb)23~~ law, and to arrest the person or persons in possession or control of the same.

(a) The manufacturer has received a marketing granted order for the ENDS product from the FDA pursuant to 21 USC ~~Section~~Sec. 387j;

(b) The manufacturer submitted a timely filed premarket tobacco product application for the ENDS product to the FDA pursuant to 21 USC ~~Section~~Sec. 387j, and the application either remains under review by the FDA or has received a denial order that has S.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~24(icj\tb)24~~ ~~that has~~ been and remains stayed by the FDA or court order, rescinded by the FDA, or vacated by a court;

(i) The marketing granted order issued by the FDA pursuant to 21 USC ~~Section~~Sec. 387j;

(ii) A copy of the acceptance letter issued by the FDA pursuant to 21 USC ~~Section~~Sec. 387j for a timely filed premarket tobacco product application;

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~25(icj\tb)25~~ (b) A payment of Five Hundred Dollars (\$500.00) for each ENDS product each time a manufacturer submits an annual certification form for that ENDS product.

(5) A manufacturer required to submit a certification form pursuant to this section shall notify the commissioner within thirty (30) calendar days of any material change to the certification form, including the issuance or denial of a marketing authorization or other order by the FDA pursuant to 21 USC ~~Section~~Sec. 387j, or any other order or action by the FDA or any court that affects the ability of the ENDS product to be introduced or delivered into interstate commerce for commercial distribution in the United States.

(6) ~~Beginning To on the October extent 1, that 2025, 21 the USC commissioner~~Sec. shall~~387j maintain is and amended, make or publicly subsequent available regulations on or the other department's official website federal guidance directory or that formal lists policy all statement ENDS is product issued, manufacturers, changing brand compliance names, requirements categories or (e.g., standards e-liquid, for e-liquid an cartridge, ENDS e-liquid product pod, to disposable), become federally compliant, each manufacturer of an ENDS product names, that and is flavors sold for which~~ S.

2850 ~~*SS26/R462.2*~~*SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~26(icj\tb)26~~ ~~certification retail forms sale have in been Mississippi submitted shall and submit approved documentation by to the commissioner and substantiating shall compliance update with such new federal requirements or standards within thirty (30) days of the directory date at compliance least with monthly such to requirement ensure or accuracy, standard is mandated.~~

Failure to substantiate compliance with new federal requirements or standards shall be grounds for removal of the manufacturer and its ENDS products from the directory established in this section.

(7) Beginning on October 1, 2025, the commissioner shall maintain and make publicly available on the department's official website a directory that lists all ENDS product manufacturers, brand names, categories (e.g., e-liquid, e-liquid cartridge, e-liquid pod, disposable), product names, and flavors for which certification forms have been submitted and approved by the commissioner and shall update the directory at least monthly to ensure accuracy.

~~(7)~~(8) Neither a manufacturer nor its ENDS products shall be included or retained in the directory if the commissioner determines that any of the following apply:

~~(b) The manufacturer submitted a certification that does not comply with the requirements of subsections (2) and (3) of this section;~~

~~(c) The manufacturer failed to include with its certification the payment required by subsection (3)(b)~~

~~of this section;~~

~~(d) The manufacturer sold ENDS products in Mississippi required to be certified under this section during a period when either the manufacturer or the ENDS product had not been certified and listed on the directory;~~

~~or (e) The information provided by the manufacturer in its certification is determined by the commissioner to contain false information or contains material misrepresentations or omissions.~~

2850 *SS26/R462.2*SS26/R462PS* ~ OFFICIAL ~ 25/SS26/R462.225/SS26/R462PS PAGE 27(icj\tb)27 (8)(b) The commissioner manufacturer shall submitted provide a manufacturers certification notice that and does an not opportunity comply to with cure the deficiencies requirements before of removing subsections manufacturers (2) or and ENDS (3) products of from this the section; directory.

(c) The manufacturer failed to include with its certification the payment required by subsection (3)(b) of this section;

(d) The manufacturer sold ENDS products in Mississippi required to be certified under this section during a period when either the manufacturer or the ENDS product had not been certified and listed on the directory;

or (e) The information provided by the manufacturer in its certification is determined by the commissioner to contain false information or contains material misrepresentations or omissions.

(9) The commissioner shall provide manufacturers notice and an opportunity to cure deficiencies before removing manufacturers or ENDS products from the directory.

~~(b) S. The ENDS product manufacturer shall have fifteen (15) business days from the date of service of the notice of the commissioner's intended action to cure the deficiencies or otherwise establish that the ENDS product manufacturer or its ENDS products should be included in the directory.~~

~~(c) Retailers shall have thirty (30) days following the removal of a manufacturer or its ENDS products from the directory to sell such ENDS products that were in the retailer's inventory as of the date of removal.~~

~~(d) After thirty (30) calendar days following removal from the directory, the ENDS product of a manufacturer identified in the notice of removal and intended for retail sale or for sale to a consumer in Mississippi is subject to seizure, forfeiture, S.~~

2850 *SS26/R462.2*SS26/R462PS* ~ OFFICIAL ~ 25/SS26/R462.225/SS26/R462PS PAGE 28(icj\tb)28 and (b) destruction The by ENDS the product department, manufacturer the shall Mississippi have Attorney fifteen General's (15) Office, business or days any from law the enforcement date agency of in service of the State notice of Mississippi, the and commissioner's may intended not action be to purchased cure the deficiencies or sold otherwise for establish retail that sale the ENDS product manufacturer or for its sale ENDS to products a should consumer be included in Mississippi the directory.

(c) Retailers shall have thirty (30) days following the removal of a manufacturer or its ENDS products from the directory to sell such ENDS products that were in the retailer's inventory as of the date of removal.

(d) After thirty (30) calendar days following removal from the directory, the ENDS product of a manufacturer identified in the notice of removal and intended for retail sale or for sale to a consumer in Mississippi is subject to seizure, forfeiture, and destruction by the department, the Mississippi Attorney General's Office, or any law enforcement agency in the State of Mississippi, and may not be purchased or sold for retail sale or for sale to a consumer in Mississippi.

~~(9) (a) Except as provided in paragraphs (b) and (c) of this subsection (9), beginning on October 1, 2025, or on the date that the commissioner first makes the directory available for public inspection on the department's official website, whichever is later, ENDS products not included in the directory, shall not be sold for retail sale in Mississippi, either directly or through an importer, distributor, wholesaler, retailer, or similar intermediary or intermediaries.~~

~~(b) Each retailer shall have sixty (60) days from the date that the commissioner first makes the directory available for inspection on its the department's website to sell ENDS products that were in its inventory and not included in the directory or remove those ENDS products from inventory.~~

2850 *SS26/R462.2*SS26/R462PS* ~ OFFICIAL ~ 25/SS26/R462.225/SS26/R462PS PAGE 29(icj\tb)29 (10) (a) Except as provided in paragraphs (b) and (c) Each of distributor this or subsection wholesaler (10), shall beginning have on sixty October (60) 1, days 2025, from or on the date that the commissioner first makes the directory available for public inspection on the department's website official to website, remove whichever those is later, ENDS products intended not included in the directory, shall not be sold for retail sale in the Mississippi, state either from directly its or inventory through an importer, distributor, wholesaler, retailer, or similar intermediary or intermediaries.

~~(d) (b) After Each retailer shall have sixty (60) calendar days following from publication of the directory, date ENDS that products the not commissioner listed first in makes the directory and available intended for retail inspection sale on or its for the sale department's to website a consumer in Mississippi are subject to seizure, sell forfeiture, ENDS and products destruction that by were the department, the Mississippi Attorney General's Office, or any law enforcement agency in the its State inventory of~~

~~Mississippi, and may not be included purchased in or the sold directory for retail sale or for remove sale those to ENDS a products consumer from in inventory. Mississippi except as provided in subsection (8) of this section.~~

~~The (c) cost Each of distributor such or seizure, wholesaler forfeiture, shall and have destruction sixty shall (60) be days paid from by the person date from that whom the ENDS commissioner products first are makes confiscated, the except directory that available no for ENDS inspection products on may the be department's seized website from to are remove consumer those who ENDS has products made intended a for bona fide purchase the of state such from ENDS its product inventory.~~

~~The (d) department, After Mississippi sixty Attorney (60) General's calendar Office, days following publication of the directory, ENDS products not listed in the directory and intended for retail sale or other for law sale enforcement to agency a may consumer store in Mississippi are subject to seizure, forfeiture, and dispose destruction of by the seized department, ENDS the products Mississippi as Attorney appropriate, General's Office, or any law enforcement agency in accordance the with State federal, of state, Mississippi, and local may laws not pertaining be to purchased storage or and sold disposal for of retail such sale ENDS or products, for sale to a consumer S.~~

~~(10) (a) A manufacturer, retailer, distributor, wholesaler, or importer who sells or offers for sale an ENDS product for retail sale or for sale to a consumer in Mississippi that is not S.~~

2850 *SS26/R462.2* *SS26/R462PS* ~ OFFICIAL ~ 25/SS26/R462.2 25/SS26/R462PS PAGE 30 (icj\tb) 30 included in the Mississippi directory except shall as be provided subject in to subsection a (9) criminal of penalty this imposed section. by the Mississippi Attorney General's Office or a district attorney.

~~Each The violation cost of such seizure, forfeiture, and destruction shall be paid by the provisions person off from this whom subsection the (10) ENDS shall products are confiscated, except that no ENDS products may be treated seized as from a separate consumer offense, who has made a bona fide purchase of such ENDS product.~~

~~The department, Mississippi Attorney General's Office, or other law enforcement agency may store and dispose of the seized ENDS products as appropriate, in accordance with federal, state, and local laws pertaining to storage and disposal of such ENDS products.~~

~~(11) (a) A manufacturer, retailer, distributor, wholesaler, or importer who sells or offers for sale an ENDS product for retail sale or for sale to a consumer in Mississippi that is not included in the directory shall be subject to a criminal penalty imposed by the Mississippi Attorney General's Office or a district attorney.~~

~~Each violation of the provisions of this subsection (11) shall be treated as a separate offense.~~

~~(ii) For a second violation of this type within a twelve-month period, the penalty shall be at least Seven Hundred Fifty S. Dollars (\$750.00), but not more than One Thousand Dollars (\$1,000.00), per ENDS product per day.~~

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No.

2850 *SS26/R462PS* ~ OFFICIAL ~ 25/SS26/R462PS PAGE 31 Fifty Dollars (\$750.00), but not more than One Thousand Dollars (\$1,000.00), per ENDS product per day.

~~S- (v) If the ENDS product contains any controlled substance, including, but not limited to, fentanyl, that causes the recipient of such to require emergency medical care as a result of using the ENDS product, then the applicable penalty described in this paragraph (a) shall be trebled, and any other penalty provided by law for the sale, possession, or furnishing of a controlled substance shall be added.~~

~~(b) Additionally, a manufacturer whose ENDS products are not listed in the directory and who causes the ENDS products that are not listed to be sold for retail sale in Mississippi, whether directly or through an importer, distributor, wholesaler, retailer, or similar intermediary or intermediaries, is subject to a civil penalty of Two Thousand Five Hundred Dollars (\$2,500.00) S.~~

2850 *SS26/R462.2* *SS26/R462PS* ~ OFFICIAL ~ 25/SS26/R462.2 25/SS26/R462PS PAGE 31 (icj\tb) 32 (v) per If day the for each individual ENDS product contains offered any for controlled sale substance, in including, violation but of not this limited section to, until fentanyl, that causes the recipient offending of ENDS such product to is require removed emergency from medical care as a result of using the ENDS market product, or then until the applicable offending penalty ENDS described product in is this properly paragraph listed (a) on shall be trebled, and any other penalty provided by law for the sale, directory, possession, or furnishing of a controlled substance shall be added.

~~(b) Additionally, a manufacturer whose ENDS products are not listed in the directory and who causes the ENDS products that are not listed to be sold for retail sale in Mississippi, whether directly or through an importer, distributor, wholesaler, retailer, or similar intermediary or intermediaries, is subject to a civil penalty of Two Thousand Five Hundred Dollars (\$2,500.00) per day for each individual ENDS product offered for sale in violation of this section until the offending ENDS product is removed from the market or until the offending ENDS product is properly listed on the directory.~~

~~S- (12) (a) A manufacturer not registered to do business in the state shall, as a condition precedent to~~

having its name or its products listed and retained in the directory, appoint and continually engage without interruption a registered agent in Mississippi for service of process on whom all process and any action or proceeding arising out of the enforcement of this section may be served.

The manufacturer shall provide to the commissioner the name, address, and telephone number of its agent for service of process and shall provide any other information relating to its agent as may be requested by the commissioner.

(b) A manufacturer located outside of the United States shall, as an additional condition precedent to having its products listed or retained in the directory, cause each of its importers to

2850 *SS26/R462.2*~OFFICIAL ~ 25/SS26/R462.225/SS26/R462PS PAGE 32(icj\tb)33 (11)of
~~(a) any Aof manufacturer its not ENDS registered products to do be business sold in the Mississippi state shall, as a condition precedent to having appoint, its name or its products listed and retained in the directory, appoint and continually engage without interruption interruption, a the registered services agent in Mississippi for service of process an on agent whom in all the process state and in any accordance action with or proceeding arising out of the enforcement provisions of this section section. may be served. The manufacturer shall provide to the commissioner the name, address, and telephone number of its agent for service of process and shall provide any other information relating to its agent as may be requested by the commissioner.~~

~~(b) A manufacturer located outside of the United States shall, as an additional condition precedent to having its products listed or retained in the directory, cause each of its importers of any of its ENDS products to be sold in Mississippi to appoint, and continually engage without interruption, the services of an agent in the state in accordance with the provisions of this section.~~

~~(c) A manufacturer shall provide written notice to the commissioner thirty (30) calendar days prior to the termination of the authority of an agent appointed under paragraphs (a) and (b) of this subsection (11). (12).~~

No less than five (5) calendar days prior to the termination of an existing agent appointment, a manufacturer shall provide to the commissioner the name, address S, and telephone number of its newly appointed agent for service of process and shall provide any other information relating to the new appointment as may be requested by the commissioner.

In the event an agent terminates an agency appointment, the manufacturer shall notify the commissioner of the termination within five (5) calendar days and shall include proof to the satisfaction of the commissioner of the appointment of a new agent.

(13) (a) Any nonresident or foreign manufacturer that has not registered to do business in the state as a foreign corporation or business entity shall, as a condition precedent to having its name or its ENDS products listed and retained in the directory submit to the commissioner a surety bond or other cash security payable to the State of Mississippi in the amount of S.

2850 *SS26/R462.2*~OFFICIAL ~ 25/SS26/R462.225/SS26/R462PS PAGE 33(icj\tb)34 and Twenty-five
~~telephone Thousand number Dollars of (\$25,000.00). its newly appointed agent for service of process and shall provide any other information relating to the new appointment as may be requested by the commissioner.~~

~~In the event an agent terminates an agency appointment, the manufacturer shall notify the commissioner of the termination within five (5) calendar days and shall include proof to the satisfaction of the commissioner of the appointment of a new agent.~~

~~(12) (a) Any nonresident or foreign manufacturer that has not registered to do business in the state as a foreign corporation or business entity shall, as a condition precedent to having its name or its ENDS products listed and retained in the directory submit to the commissioner a surety bond or other cash security payable to the State of Mississippi in the amount of \$25,000.~~

If the state executes on the surety bond, it may require the manufacturer to provide an additional bond as a condition S, precedent for retaining the manufacturer or its ENDS products in the directory.

~~B.~~

~~No.~~

2850 *SS26/R462.2* ~ OFFICIAL ~ 25/SS26/R462.2 PAGE 34(icj\tb) precedent for retaining the manufacturer or its ENDS products in the directory.

Unless the manufacturer, on or before the expiration of the sixty-day period, files with the commissioner a new bond, with the surety approved by and acceptable S, to the commissioner, the commissioner shall remove the manufacturer and its ENDS products from the directory.

~~(13) Each retailer, distributor, and wholesaler that sells or distributes ENDS products in this state or sells ENDS products to consumers in this state shall be subject to at least two (2) unannounced compliance checks annually by the department for purposes of enforcing this section.~~

~~Unannounced follow-up compliance checks of all noncompliant retailers, distributors, and wholesalers shall be conducted within thirty (30) days after any violation of this article.~~

~~The department shall publish the results of all compliance checks annually and shall make the S.~~

2850 ~~*SS26/R462.2*~~SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS PAGE ~~35(icj\tb)~~35
~~results acceptable available to the public~~commissioner, ~~upon the request~~commissioner shall remove the
manufacturer and its ENDS products from the directory.

(14) Each retailer, distributor, and wholesaler that sells or distributes ENDS products in this state or
sells ENDS products to consumers in this state shall be subject to at least two (2) unannounced
compliance checks annually by the department for purposes of enforcing this section.

Unannounced follow-up compliance checks of all noncompliant retailers, distributors, and wholesalers
shall be conducted within thirty (30) days after any violation of this article.

The department shall publish the results of all compliance checks annually and shall make the results
available to the public upon request.

~~(14)~~(15) The commissioner may promulgate rules necessary to effectuate the purposes of this section.

~~(15)S. All fees and penalties collected by the commissioner pursuant to this section shall be used for
administration and enforcement of this section.~~

~~(16)B. Before January 1, 2026, and annually thereafter, the commissioner shall provide a report to the
Legislature regarding the status of the directory, manufacturers and ENDS products included in the
directory, revenue and expenditures related to administration of this section, and enforcement
activities undertaken pursuant to this section of this act.~~

No.

2850 *SS26/R462PS* ~ OFFICIAL ~ 25/SS26/R462PS PAGE 36 (16) All fees and penalties collected by the
commissioner pursuant to this section shall be used for administration and enforcement of this section.

(17) Before January 1, 2026, and annually thereafter, the commissioner shall provide a report to the
Legislature regarding the status of the directory, manufacturers and ENDS products included in the
directory, revenue and expenditures related to administration of this section, and enforcement
activities undertaken pursuant to this section of this act.

2850 ~~*SS26/R462.2*~~SS26/R462PS* ~ OFFICIAL ~ ~~25/SS26/R462.2~~25/SS26/R462PS ST:

require PAGE ~~36(icj\tb)~~37 Commissioner of Revenue to establish separate directories to regulate sales
of.