

SB 62 - AS INTRODUCED

2021 SESSION

21-0515

08/10

SENATE BILL **62**

AN ACT relative to electronic cigarettes and the disposal of electronic cigarette devices.

SPONSORS: Sen. Watters, Dist 4; Sen. Sherman, Dist 24; Sen. Whitley, Dist 15; Sen. Rosenwald, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Prentiss, Dist 5; Sen. Soucy, Dist 18; Rep. Cannon, Straf. 18; Rep. Cahill, Rock. 17

COMMITTEE: Commerce

ANALYSIS

This bill prohibits the sale of flavored e-cigarettes and e-cigarette cartridges with an exception for menthol.

This bill also requires manufacturers of e-cigarettes to inform the department of environmental services of toxic materials in such e-cigarettes and requires the department of environmental services to make rules relative to the disposal of such e-cigarettes.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to electronic cigarettes and the disposal of electronic cigarette devices.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Flavored Electronic Cigarettes Prohibited. Amend RSA 175:1, XXXI-a to read as follows:

2 XXXI-a. "E-cigarette" means any electronic smoking device composed of a mouthpiece, a
3 heating element, a battery, and electronic circuits that may or may not contain nicotine or e-liquid.
4 This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-
5 pipes, or under any other product name. "E-liquid" means any liquid, oil, or wax product containing,
6 but not limited to, nicotine or cannabis intended for use in devices used for inhalation. ***E-liquid***
7 ***shall not contain any flavoring except for menthol.***

8 2 New Section; Disposal of E-Cigarettes. Amend RSA 149-M by inserting after section 28 the
9 following new section:

10 149-M:28-a Disposal of Electronic Cigarette Devices.

11 I. A manufacturer of e-cigarettes as defined by RSA 175:2, XXXI-a shall inform the
12 commissioner of any devices it offers for sale in New Hampshire that contain Lithium-ion batteries,
13 lead, or any other materials defined as hazardous waste in RSA 147-A:2, VII. The commissioner
14 shall make rules under RSA 541-A regarding procedures and requirements for the record keeping
15 and reporting of the generation, storage, treatment, or disposal of hazardous wastes contained in e-
16 cigarettes.

17 II. Any manufacturer who violates paragraph I shall be guilty of a misdemeanor if a natural
18 person, or guilty of a felony if any other person.

19 III. The department shall make available educational materials for use by municipalities on
20 potential e-cigarette hazardous waste and its disposal, and it shall provide guidance to
21 manufacturers and to retailers and other sellers of e-cigarettes on voluntary programs for the
22 collection and recycling of e-cigarette devices containing Lithium-ion batteries, lead, or other
23 hazardous waste.

24 3 Effective Date. This act shall take effect January 1, 2022.