

On page 2, line 21, of the Senate Commerce and Energy Engrossed bill, delete "Prior to selling or offering to sell vapor products in this state, a vapor product distributor shall obtain a certification by the manufacturer of the vapor product stating:

- (1) The manufacturer, pursuant to 21 U. S. C. § 387j (January 1, 2025), received a marketing granted order for the vapor product from the United States Food and Drug Administration; or
- (2) The vapor product was marketed in the United States on or before August 8, 2016, and;
 - (a) On or before September 9, 2020, the manufacturer, pursuant to 21 U. S. C. § 387j (January 1, 2025), submitted to the United States Food and Drug Administration a premarket tobacco product application for the vapor product and the application was accepted for filing; and
 - (b) The application remains under review by the United States Food and Drug Administration or a final decision on the application has not yet taken effect.

A manufacturer who provides any misrepresentation or false statement in any certification pursuant to this section is guilty of a Class 1 misdemeanor.

" and insert "A licensed wholesaler, vapor product distributor, or vapor product retailer may not market, advertise, sell, or cause to be sold a vapor product if:

- (1) The container, packaging, or advertising depicts a human, animal, creature, vehicle, cartoon character, toy, emoji, or other artwork intended to appeal to a minor;
- (2) The container, packaging, or advertising imitates trademarks or trade dress of a product that is marketed to minors;
- (3) The container, packaging, or advertising includes an image of a public figure;
- (4) The container or packaging is intentionally designed to disguise that the product is a vapor product;
- (5) The container or packaging contains, includes, or is capable of running or interfacing with video games, mobile games, or interactive software on an integrated electronic screen, digital interface, or external gaming system, or is marketed as having gaming functionality;
- (6) The container or packaging does not contain an ingredients listing displayed on the packaging in at least eight-point type in a visible area on the product;
- (7) The packaging does not meet applicable packaging standards provided by 15 U.S.C. § 1472a (January 28, 2016); or
- (8) The packaging does not contain a label that meets the nicotine addictiveness warning statement requirements provided by 21 C.F.R. § 1143.3 (February 25, 2025).

A violation of this section is a Class 2 misdemeanor."

On page 3, line 7, of the Senate Commerce and Energy Engrossed bill, after "the" delete " certification"

On page 3, line 7, of the Senate Commerce and Energy Engrossed bill, after "requirements" delete " pursuant to section 5"

On page 3, line 7, of the Senate Commerce and Energy Engrossed bill, delete " Act" and insert " chapter"

On page 3, line 15, of the Senate Commerce and Energy Engrossed bill, delete " a copy of the certification" and insert " all documentation, including all ingredients detailed pursuant to section 5 of this Act,"

On page 3, line 16, of the Senate Commerce and Energy Engrossed bill, after "manufacturer" delete " pursuant to section 5 of this Act"

On page 3, line 17, of the Senate Commerce and Energy Engrossed bill, after "shall" insert " submit to an inspection of inventory, products, and documentation, and shall"

On page 3, line 17, of the Senate Commerce and Energy Engrossed bill, delete " the certification" and insert " the documentation"