

TWELFTH KOSRAE STATE LEGISLATURE

SECOND REGULAR SESSION, AUGUST 2019

L.B. No. 12-70

H & SA

A BILL FOR AN ACT

Adding a new Chapter 17 to Title 12 of the Kosrae State Code relating to electronic smoking devices and electronic smoking substances; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1 Section 1. Title 12 of the Kosrae State Code is amended by adding a new Chapter
2 17 thereto to read as follows:

3 **“CHAPTER 17. ELECTRONIC SMOKING DEVICES AND SUBSTANCES**

4 Section 12.1701. Title. This chapter of the Code shall be known and may be cited
5 as “The Ban on Electronic Smoking Devices and Substances Act of 2019”.

6 Section 12.1702. Definitions. As used in this chapter of the Code, unless context
7 clearly requires otherwise:

8 (1) “Electronic smoking devices” means any electronically powered
9 device that can be used to deliver aerosolized or vaporized nicotine to the person
10 inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, vape
11 pen or e-hookah, and any component, part or accessory of the device, whether or
12 not sold separately.

13 (2) “Electronic smoking substance” means any substance which
14 includes nicotine or any derivative thereof and which is intended to be aerosolized
15 or vaporized during the use of an electronic smoking device.

16 Section 12.1703. Prohibitions.

(1) The offering for sale, sale, possession, or use of any electronic smoking device as defined by Section 12.1702 (1) in the state of Kosrae is hereby strictly prohibited.

(2) The offering for sale, sale, possession, or use of any electronic smoking substance as defined by Section 12.1702 (2) in the state of Kosrae is hereby strictly prohibited.

Section 12.1704. Penalties.

(1) Any person who knowingly and unlawfully offers for sale, sells, possesses, or uses an electronic smoking device in violation of Section 12.1703(1) shall be guilty of an offense against the state of Kosrae, and upon conviction thereof shall be imprisoned for a period of not more than three months or fined not more than \$500, or both such fine and imprisonment.

(2) Any person who knowingly and unlawfully offers for sale, sells, possesses, or uses an electronic smoking substance in violation of Section 12.1703(2) shall be guilty of an offense against the state of Kosrae, and upon conviction thereof shall be imprisoned for a period of not more than three months or fined not more than \$500, or both such fine and imprisonment.

(3) Any electronic smoking device or electronic smoking substance offered for sale, sold, possessed, or used in violation of this chapter of the Code shall be forfeited to the state of Kosrae.

Section 12.1705. Surrender of devices and substances. Any person entering the state of Kosrae through a port of entry who is in possession of an electronic smoking device or an electronic smoking substance that is regulated by this chapter of the Code shall surrender said electronic smoking device or electronic smoking substance to an authorized officer of the Kosrae Port Authority and may retrieve the regulated device or substance from the Kosrae Port Authority upon his departure from the state of Kosrae.”

Section 2. Effective Date. This act takes effect upon the approval of the Governor or upon its becoming law without such approval; PROVIDED that the amendments to the Kosrae State Code as set forth in this act shall take effect in December, 2019; PROVIDED FURTHER that the Governor, with the assistance of the Director of the Department of Health Services, shall provide for a public information program with respect to the amendments to the Kosrae State Code set forth in this act prior to said date.

Date: 9/13/19

Introduced by: 
Bob H. Skilling