

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 449

5 By: Senator Dees
6 By: Representative Beaty Jr.
7

For An Act To Be Entitled

8
9 AN ACT TO PROVIDE CIVIL IMMUNITY FOR CONFISCATION OF
10 ALTERNATIVE NICOTINE PRODUCTS, VAPOR PRODUCTS, E-
11 LIQUID PRODUCTS, TOBACCO PRODUCTS, AND CIGARETTE
12 PAPERS FROM A MINOR AT A SCHOOL; AND FOR OTHER
13 PURPOSES.
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Subtitle

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17 TO PROVIDE CIVIL IMMUNITY FOR
18 CONFISCATION OF ALTERNATIVE NICOTINE
19 PRODUCTS, VAPOR PRODUCTS, E-LIQUID
20 PRODUCTS, TOBACCO PRODUCTS, AND
21 CIGARETTE PAPERS FROM A MINOR AT A
22 SCHOOL.
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code Title 16, Chapter 120, Subchapter 8, is
27 amended to add an additional section to read as follows:

28 16-120-805. Civil immunity for confiscation of certain products from
29 minor at school.

30 (a) As used in this section:

31 (1)(A) "Alternative nicotine product" means a product that
32 consists of or contains nicotine from any source that can be ingested into
33 the body by chewing, smoking, absorbing, dissolving, inhaling, snorting,
34 sniffing, or by any other means.

35 (B) "Alternative nicotine product" does not include a:

36 (i) Tobacco product;



1 (ii) Vapor product;

2 (iii) Product that is a drug under 21 U.S.C. §
3 321(g)(1), as existing on January 1, 2025;

4 (iv) Product that is a device under 21 U.S.C. §
5 321(h), as existing on January 1, 2025; or

6 (v) Product that constitutes a combination drug,
7 device, or biological product as described in 21 U.S.C. § 353, as existing on
8 January 1, 2025;

9 (2) "E-liquid product" means a liquid product, which may or may
10 not contain nicotine, that is inhaled when using a vapor product and that may
11 or may not include without limitation propylene glycol, vegetable glycerin,
12 nicotine from any source, and flavorings;

13 (3) "Minor" means a person who is under twenty-one (21) years of
14 age;

15 (4) "School" means:

16 (A) A school district, public school, private school, or
17 an open-enrollment public charter school;

18 (B) Any building, parking lot, playing field, playground,
19 school bus, or other school vehicle used or operated by a public school,
20 private school, or an open-enrollment public charter school; or

21 (C) Any off-campus school-sponsored or school-sanctioned
22 events with respect to any public school, open-enrollment public charter
23 school, or private school where children attend classes in kindergarten
24 through grade twelve (K-12);

25 (5) "Tobacco product" means all products containing tobacco for
26 consumption, including without limitation cigarettes, cigars, little cigars,
27 cigarillos, chewing tobacco, smokeless tobacco, snuff, smoking tobacco,
28 including pipe tobacco, and smoking tobacco substitutes; and

29 (6) "Vapor product" means an electronic oral device of any size
30 or shape that contains a vapor of nicotine, e-liquid, or any other substance
31 that when used or inhaled simulates smoking, regardless of whether a visible
32 vapor is produced, including without limitation a device that:

33 (A) Is composed of a heating element, battery, electronic
34 circuit, chemical process, mechanical device, or a combination of heating
35 element, battery, electronic circuit, chemical process, or mechanical device;

36 (B) Works in combination with a cartridge, other

1 container, or liquid delivery device containing nicotine, e-liquid, or any
2 other substance and manufactured for use with vapor products;

3 (C) Is manufactured, distributed, marketed, or sold as any
4 type or derivation of a vapor product, e-cigarette, e-cigar, e-pipe, or any
5 other product name or descriptor; and

6 (D) Does not include a product regulated as a drug or
7 device by the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq.,
8 as it existed on January 1, 2025.

9 (b) A law enforcement officer, an employee of a school, or a person
10 otherwise in a position of trust or authority over the minor shall be immune
11 from civil liability if he or she confiscated nicotine, tobacco product,
12 vapor product, alternative nicotine product, e-liquid product, or cigarette
13 papers or confiscated a product that he or she reasonably believes to be a
14 vapor product, from a minor at a school.

15 (c) The immunity granted under subsection (b) of this section does not
16 apply to the confiscation of any sort of medical device or medication such as
17 an asthma medication delivery device.

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