

**No 2389**

**No 457**

**NATIONAL ASSEMBLY**

**SENATE**

CONSTITUTION OF 4 OCTOBER 1958

ORDINARY SESSION, 2023-2024

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SIXTEENTH LEGISLATURE

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Registered at the Presidency of the National Assembly on 21 March 2024

Registered at the Presidency of the Senate on 21 March 2024

## **DRAFT LAW**

*to prohibit single-use electronic vaping devices,*

**TEXT PREPARED BY JOINT PARITY  
COMMITTEE**

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**See issues:**

**National Assembly** (16<sup>th</sup> legislature): 1<sup>st</sup> reading: **464, 1926** and T.A. **205**.

**Senate:** 1<sup>st</sup> reading: **161, 304, 305** and T.A. **65** (2023-2024). Joint Parity Committee: **456** (2023-2024).



## Draft law to prohibit single-use electronic vaping devices

### Article 1

- ☐ I. – Part III of the Public Health Code is amended as follows:
- ☐ 1. After Article L. 3513-5, an Article L. 3513-5-1 is inserted as follows:
- ☐ *‘Article L. 3513-5-1. – The manufacture, keeping for sale, distribution or offering free of charge, offering for sale, sale, distribution or offering free of charge of electronic vaping devices referred to in 1 of Article L. 3513-1, with the exception of cartridges, which have at least one of the following two characteristics, are prohibited:*
- ☐ *‘1. They are pre-filled with liquid and cannot be re-filled;*
- ☐ *‘2. They have a non-rechargeable battery.’;*
- ☐ 2. Article L. 3513-7 is amended as follows:
- ☐ a) In the first subparagraph, at the beginning, the words: ‘Disposable electronic vaping devices,’ are deleted and, after the word: ‘refilling’, the following words are added: ‘of electronic vaping devices’;
- ☐ b) In the second subparagraph, the words: ‘disposable electronic vaping devices’ are deleted and in French, the first occurrence of the word: ‘les’ is replaced by the word: ‘de’;
- ☐ 3. In Article L. 3513-15, the words: ‘disposable electronic vaping devices and’ are deleted;
- ☐ 4. Chapter III of Title I of Book V is supplemented by a Section 3 entitled: ‘Miscellaneous provisions’ and including Article L. 3513-19;
- ☐ 5. In the first subparagraph of Articles L. 3515-1 and L. 3515-2, the words: ‘, L. 3513-5 and L. 3513-6’ are replaced by the words: ‘and L. 3513-5 to L. 3513-6’;
- ☐ 5.a (*Deleted*)

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6. After Article L. 3515-2, Article L. 3515-2-1 A is inserted worded as follows:

‘Article L. 3515-2-1 A. – The agents mentioned in Article L. 511-3 of the Consumer Code are authorised to investigate and establish infringements of Article L. 3513-5-1 of this Code.

“To that end, they shall have the powers provided for in the last subparagraph of I of Article L. 511-22 of the Consumer Code.”; 7. I of Article L. 3515-3 is amended as follows:

a) In the first subparagraph, in French, the word: ‘punie’ is replaced by the word: ‘puni’;

b) In the first subparagraph of point 12, the words: ‘disposable electronic vaping devices,’ are deleted and, after the word: ‘refilling’, the following words are added: ‘of electronic vaping devices’;

c) In point 15, after the first occurrence of the word: ‘the’, the words: ‘manufacture, keeping for sale, distribution or offering free of charge, offering for sale,’ are inserted, and, after the word: ‘vaping’, the ending is worded as follows: ‘in breach of Article L. 3513-5-1;’

8. Article L. 3822-4 is supplemented by the following subparagraph:

‘Articles L. 3513-5-1, L. 3513-7, L. 3513-15, L. 3515-1 and L. 3515-3 are applicable in the territory of the Wallis and Futuna Islands, as drafted by Law No of to prohibit single-use electronic vaping devices.’

II. – (Deleted)

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