

## **E-CIGARETTES, ETC: INCLUDE AS TOBACCO PRODUCT AND REQUIRE CHILD-RESISTANT CONTAINERS**

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**House Bill 5393**

**Sponsor: Rep. Gail Haines**

**Committee: Regulatory Reform**

**Complete to 4-25-14**

### **A SUMMARY OF HOUSE BILL 5393 AS INTRODUCED 3-5-14**

House Bill 5393 would amend the Youth Tobacco Act to:

- (1) Require that electronic smoking devices and their components be packaged in a child-resistant containers in order to be sold in Michigan.
- (2) Amend the definition of "tobacco product" to include products such as electronic cigarettes or vaporized nicotine.

The bill defines "electronic smoking device" as a "product that contains or delivers nicotine or another similar substance that is intended for human consumption or that can be used by an individual to simulate smoking through inhalation of vapor or aerosol from the product." The definition also notes that a component part of an electronic smoking device falls under this term, regardless of whether the component is sold separately.

#### ***Definition of Tobacco Product***

The definition of "tobacco product" would be amended to include products that contain, or are derived from, nicotine or "another similar substance" that is intended for human consumption, "whether smoked, heated, chewed absorbed, dissolved, inhaled, snorted, sniffed, or ingested by another other means."

The definition would be rewritten to specifically cite the following as tobacco products:

- Little cigars
- Chewing tobacco
- Pipe Tobacco
- Snuff
- Snus
- Electronic smoking devices
- Other similar products that rely on vaporization or aerosolization.

The term "tobacco product" would not include a product specifically approved by the US Food and Drug Administration for sale as a tobacco cessation product that is marketed and sold solely for the approved purpose.

(Currently, the term refers to a product that contains tobacco and is intended for human consumption, including, but not limited to, cigarettes, noncigarette smoking tobacco, or smokeless tobacco as those terms are defined in the Tobacco Products Tax Act, and cigars. That language would be struck and replaced as described above.)

***Child-Resistant Container***

The bill also specifies that an electronic smoking device or other similar product that relies on the vaporization or aerosolization of nicotine could not be sold unless it was packaged in a child-resistant container meeting the requirements of the federal Poison Prevention Packaging Act of 1970. A violation would be a misdemeanor punishable by a fine of up to \$50 for each violation.

MCL 722.644

**FISCAL IMPACT:**

The bill would have a minimal fiscal impact on the judiciary system. The bill's new requirements could cause an increase in the administrative workload for some courts, depending on the number of relevant cases they handle. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

Since the bill would not subject e-cigarettes to the tobacco tax, which would require an amendment to the Tobacco Products Tax Act, the bill does not have any revenue impact.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.