

# HOUSE BILL No. 5393

March 5, 2014, Introduced by Reps. Haines, Haveman, Lori, Schor, Stallworth, Cavanagh, Slavens, Segal, LaVoy, Potvin, Heise and Yanez and referred to the Committee on Regulatory Reform.

A bill to amend 1915 PA 31, entitled  
"Youth tobacco act,"  
by amending section 4 (MCL 722.644), as amended by 2006 PA 236, and  
by adding section 2b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 2B. (1) A PERSON SHALL NOT SELL IN THIS STATE AN  
2        ELECTRONIC SMOKING DEVICE OR OTHER SIMILAR PRODUCT THAT RELIES ON  
3        VAPORIZATION OR AEROSOLIZATION OF NICOTINE, OR A COMPONENT OF ANY  
4        OF THESE, UNLESS THE DEVICE, PRODUCT, OR COMPONENT IS PACKAGED IN A  
5        CHILD-RESISTANT CONTAINER THAT MEETS THE REQUIREMENTS OF THE POISON  
6        PREVENTION PACKAGING ACT OF 1970, PUBLIC LAW 91-601, AND OF 16 CFR  
7        PART 1700.

8        (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A  
9        MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$50.00 FOR EACH

1 VIOLATION.

2 Sec. 4. As used in this act:

3 (A) "ELECTRONIC SMOKING DEVICE" MEANS A PRODUCT THAT CONTAINS  
4 OR DELIVERS NICOTINE OR ANOTHER SIMILAR SUBSTANCE THAT IS INTENDED  
5 FOR HUMAN CONSUMPTION AND THAT CAN BE USED BY AN INDIVIDUAL TO  
6 SIMULATE SMOKING THROUGH INHALATION OF VAPOR OR AEROSOL FROM THE  
7 PRODUCT. ELECTRONIC SMOKING DEVICE INCLUDES A COMPONENT PART OF AN  
8 ELECTRONIC SMOKING DEVICE, REGARDLESS OF WHETHER THE COMPONENT PART  
9 IS SOLD SEPARATELY.

10 (B) ~~(a)~~ "Minor" means an individual ~~under~~ WHO IS LESS THAN 18  
11 years of age.

12 (C) ~~(b)~~ "Person who sells tobacco products at retail" means a  
13 person whose ordinary course of business consists, in whole or in  
14 part, of the retail sale of tobacco products subject to state sales  
15 tax.

16 (D) ~~(c)~~ "Public place" means a public street, sidewalk, or  
17 park or any area open to the general public in a publicly owned or  
18 operated building or public place of business.

19 (E) ~~(d)~~ "Tobacco product" means a product that contains OR IS  
20 MADE OR DERIVED FROM tobacco, NICOTINE, OR ANOTHER SIMILAR  
21 SUBSTANCE and THAT is intended for human consumption, ~~including,~~  
22 WHETHER SMOKED, HEATED, CHEWED, ABSORBED, DISSOLVED, INHALED,  
23 SNORTED, SNIFFED, OR INGESTED BY ANY OTHER MEANS. TOBACCO PRODUCT  
24 INCLUDES, but IS not limited to, cigarettes, ~~none-cigarette smoking~~  
25 ~~tobacco, or smokeless tobacco, as those terms are defined in~~  
26 ~~section 2 of the tobacco products tax act, 1993 PA 327, MCL~~  
27 ~~205.422, and cigars, LITTLE CIGARS, CHEWING TOBACCO, PIPE TOBACCO,~~

1    SNUFF, SNUS, OR ELECTRONIC SMOKING DEVICES OR OTHER SIMILAR  
2    PRODUCTS THAT RELY ON VAPORIZATION OR AEROSOLIZATION. TOBACCO  
3    PRODUCT INCLUDES A COMPONENT PART OF A TOBACCO PRODUCT REGARDLESS  
4    OF WHETHER THE COMPONENT IS SOLD SEPARATELY. TOBACCO PRODUCT DOES  
5    NOT INCLUDE A PRODUCT SPECIFICALLY APPROVED BY THE UNITED STATES  
6    FOOD AND DRUG ADMINISTRATION FOR SALE AS A TOBACCO CESSATION  
7    PRODUCT THAT IS BEING MARKETED AND SOLD SOLELY FOR THE APPROVED  
8    PURPOSE.

9           (F) ~~(e)~~—"Use a tobacco product" means to smoke, chew, suck,  
10 inhale, or otherwise consume a tobacco product.