

HOUSE BILL NO. 5161

October 24, 2019, Introduced by Reps. Bellino, Hammoud, Manoogian, Shannon, Liberati, Green and Bolden and referred to the Committee on Regulatory Reform.

A bill to prohibit the sale of vapor products or alternative nicotine products that contain vitamin E acetate; and to prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

2 (a) "Alternative nicotine product" means a noncombustible
3 product that contains nicotine that is intended for human
4 consumption, whether chewed, absorbed, dissolved, or ingested by
5 any other means. Alternative nicotine product does not include a
6 tobacco product, a vapor product, food, or a product regulated as a



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1 drug or device by the United States Food and Drug Administration
2 under 21 USC 351 to 360fff-7.

3 (g) "Vapor product" means a noncombustible product that
4 employs a heating element, power source, electronic circuit, or
5 other electronic, chemical, or mechanical means, regardless of
6 shape or size, that can be used to produce vapor from nicotine or
7 any other substance, and the use or inhalation of which simulates
8 smoking. Vapor product includes an electronic cigarette, electronic
9 cigar, electronic cigarillo, electronic pipe, or similar product or
10 device and a vapor cartridge or other container of nicotine or
11 other substance in a solution or other form that is intended to be
12 used with or in an electronic cigarette, electronic cigar,
13 electronic cigarillo, electronic pipe, or similar product or
14 device. Vapor product does not include a product regulated as a
15 drug or device by the United States Food and Drug Administration
16 under 21 USC 351 to 360fff-7.

17 Sec. 5. (1) A person shall not sell a vapor product or
18 alternative nicotine product that contains vitamin E acetate or has
19 been combined with vitamin E acetate.

20 (2) A person who violates subsection (1) is guilty of a
21 misdemeanor punishable by a fine as follows:

22 (a) For a first offense, not more than \$100.00.

23 (b) For a second offense, not more than \$500.00.

24 (c) For a third or subsequent offense, not more than
25 \$2,500.00.

