

## State of Misconsin 2019 - 2020 LEGISLATURE

LRB-3837/1 MDK:amn

### **2019 SENATE BILL 442**

September 23, 2019 - Introduced by Senators Jacque, Risser, Bewley, Carpenter, Darling, Johnson, Larson, Olsen, Ringhand, Schachtner and Wanggaard, cosponsored by Representatives Mursau, Kolste, Allen, Anderson, Billings, Bowen, Cabrera, Considine, Doyle, Fields, Goyke, Hebl, Hesselbein, Horlacher, Milroy, L. Myers, Neubauer, Ohnstad, Oldenburg, Pope, Ramthun, Rodriguez, Rohrkaste, Sinicki, Spiros, Stubbs, Subeck, C. Taylor, Tittl, Tusler, Vining, Vruwink and Zamarripa. Referred to Committee on Government Operations, Technology and Consumer Protection.

#### \*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

AN ACT to renumber 101.123 (1) (h) 1., 101.123 (1) (h) 2., 101.123 (1) (h) 3. and 101.123 (1) (h) 4.; to amend 101.123 (1) (h) (intro.); and to create 101.123 (1) (h) 2m. and 101.123 (1) (k) of the statutes; relating to: restrictions on the use of products used for inhaling or exhaling vapor.

#### Analysis by the Legislative Reference Bureau

This bill specifies that the term "smoking," for purposes of the general prohibition under current law against smoking in indoor locations, includes inhaling or exhaling vapor from a "vapor product," which the bill defines as any noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means that can be used to produce vapor from a solution or other substance. The bill specifies that "vapor product" includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Also, a product satisfies the definition of "vapor product" regardless of whether the product contains nicotine.

# The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- **SECTION 1.** 101.123 (1) (h) (intro.) of the statutes is amended to read:
- 6 101.123 (1) (h) (intro.) "Smoking" means burning any of the following:

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1	1m. Burning or holding, or inhaling or exhaling smoke from, any of the
2	following items containing tobacco:
3	<b>Section 2.</b> 101.123 (1) (h) 1. of the statutes is renumbered 101.123 (1) (h) 1m.
4	a.
5	<b>Section 3.</b> 101.123 (1) (h) 2. of the statutes is renumbered 101.123 (1) (h) 1m.
6	b.
7	Section 4. 101.123 (1) (h) 2m. of the statutes is created to read:
8	101.123 (1) (h) 2m. Inhaling or exhaling vapor from a vapor product.
9	<b>Section 5.</b> 101.123 (1) (h) 3. of the statutes is renumbered 101.123 (1) (h) 1m.
10	c.
11	<b>Section 6.</b> 101.123 (1) (h) 4. of the statutes is renumbered 101.123 (1) (h) 1m.
12	d.
13	<b>SECTION 7.</b> 101.123 (1) (k) of the statutes is created to read:
14	101.123 (1) (k) 1. "Vapor product" means any noncombustible product, which
15	may or may not contain nicotine, that employs a heating element, power source,
16	electronic circuit, or other electronic, chemical, or mechanical means, regardless of
17	shape or size, that can be used to produce vapor from a solution or other substance.
18	2. "Vapor product" includes all of the following:
19	a. An electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe,
20	or similar product or device.
21	b. Any cartridge or other container of a solution or other substance, which may
22	or may not contain nicotine, that is intended to be used with or in an electronic
23	cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or
24	device.

(END)