



**Senate Fiscal Agency**  
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House Bill 4997 (Substitute H-4 as passed by the House)  
Sponsor: Representative Rick Outman  
House Committee: Regulatory Reform

### **CONTENT**

The bill would amend the Youth Tobacco Act to exclude from the definition of "tobacco product" a "vapor product" and an "alternative nicotine product", and to define those terms.

The Act defines "tobacco product" as "a product that contains tobacco and is intended for human consumption, including, but not limited to, cigarettes, noncigarette smoking tobacco, or smokeless tobacco". Under the bill, the term would not include a vapor product, an alternative nicotine product, or a product regulated as a drug or device by the United States Food and Drug Administration (FDA) under Subchapter 5 of the Federal Food, Drug, and Cosmetic Act (FDCA).

The bill would define "vapor product" as "a noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form". The term would include an electronic cigarette, electronic cigar, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with such a product or device. It would not include a product regulated as a drug or device by the FDA under the FDCA.

"Alternative nicotine product" would mean "a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means". It would not include a tobacco product, a vapor product, or a product regulated as a drug or device by the FDA.

The bill would take effect 60 days after enactment and is tie-barred to Senate Bills 667 and 668. Those bills would amend the Youth Tobacco Act to prohibit a minor from using or possessing a vapor product or alternative nicotine product, and prohibit a person from selling or giving such a product to a minor.

MCL 722.644

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Date Completed: 5-14-14

Fiscal Analyst: John Maxwell