

SUBSTITUTE FOR  
HOUSE BILL NO. 4997

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 4. As used in this act:

2       (A) "ALTERNATIVE NICOTINE PRODUCT" MEANS A NONCOMBUSTIBLE  
3       PRODUCT CONTAINING NICOTINE THAT IS INTENDED FOR HUMAN CONSUMPTION,  
4       WHETHER CHEWED, ABSORBED, DISSOLVED, OR INGESTED BY ANY OTHER  
5       MEANS. ALTERNATIVE NICOTINE PRODUCT DOES NOT INCLUDE A TOBACCO  
6       PRODUCT, A VAPOR PRODUCT, OR A PRODUCT REGULATED AS A DRUG OR  
7       DEVICE BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION UNDER  
8       SUBCHAPTER V OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, 21 USC  
9       351 TO 360EEE-4.

10       (B) ~~(a)~~ "Minor" means an individual ~~under~~ WHO IS LESS THAN 18

1 years of age.

2 (C) "PERSON WHO SELLS VAPOR PRODUCTS OR ALTERNATIVE NICOTINE  
3 PRODUCTS AT RETAIL" MEANS A PERSON WHOSE ORDINARY COURSE OF  
4 BUSINESS CONSISTS, IN WHOLE OR IN PART, OF THE RETAIL SALE OF VAPOR  
5 PRODUCTS OR ALTERNATIVE NICOTINE PRODUCTS.

6 (D) ~~(b)~~—"Person who sells tobacco products at retail" means a  
7 person whose ordinary course of business consists, in whole or in  
8 part, of the retail sale of tobacco products subject to state sales  
9 tax.

10 (E) ~~(e)~~—"Public place" means a public street, sidewalk, or  
11 park or any area open to the general public in a publicly owned or  
12 operated building or public place of business.

13 (F) ~~(d)~~—"Tobacco product" means a product that contains  
14 tobacco and is intended for human consumption, including, but not  
15 limited to, cigarettes, noncigarette smoking tobacco, or smokeless  
16 tobacco, as those terms are defined in section 2 of the tobacco  
17 products tax act, 1993 PA 327, MCL 205.422, and cigars. **TOBACCO**  
18 **PRODUCT DOES NOT INCLUDE A VAPOR PRODUCT, AN ALTERNATIVE NICOTINE**  
19 **PRODUCT, OR A PRODUCT REGULATED AS A DRUG OR DEVICE BY THE UNITED**  
20 **STATES FOOD AND DRUG ADMINISTRATION UNDER SUBCHAPTER V OF THE**  
21 **FEDERAL FOOD, DRUG, AND COSMETIC ACT, 21 USC 351 TO 360EEE-4.**

22 (G) ~~(e)~~—"Use a tobacco product, **VAPOR PRODUCT, OR ALTERNATIVE**  
23 **NICOTINE PRODUCT**" means to smoke, chew, suck, inhale, or otherwise  
24 consume a tobacco product, **VAPOR PRODUCT, OR ALTERNATIVE NICOTINE**  
25 **PRODUCT.**

26 (H) "VAPOR PRODUCT" MEANS A NONCOMBUSTIBLE PRODUCT CONTAINING  
27 NICOTINE THAT EMPLOYS A HEATING ELEMENT, POWER SOURCE, ELECTRONIC

1 CIRCUIT, OR OTHER ELECTRONIC, CHEMICAL, OR MECHANICAL MEANS,  
2 REGARDLESS OF SHAPE OR SIZE, THAT CAN BE USED TO PRODUCE VAPOR FROM  
3 NICOTINE IN A SOLUTION OR OTHER FORM. VAPOR PRODUCT INCLUDES AN  
4 ELECTRONIC CIGARETTE, ELECTRONIC CIGAR, ELECTRONIC CIGARILLO,  
5 ELECTRONIC PIPE, OR SIMILAR PRODUCT OR DEVICE AND A VAPOR CARTRIDGE  
6 OR OTHER CONTAINER OF NICOTINE IN A SOLUTION OR OTHER FORM THAT IS  
7 INTENDED TO BE USED WITH OR IN AN ELECTRONIC CIGARETTE, ELECTRONIC  
8 CIGAR, ELECTRONIC CIGARILLO, ELECTRONIC PIPE, OR SIMILAR PRODUCT OR  
9 DEVICE. VAPOR PRODUCT DOES NOT INCLUDE A PRODUCT REGULATED AS A  
10 DRUG OR DEVICE BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION  
11 UNDER SUBCHAPTER V OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, 21  
12 USC 351 TO 360EEE-4.

13 Enacting section 1. This amendatory act takes effect 60 days  
14 after the date it is enacted into law.

15 Enacting section 2. This amendatory act does not take effect  
16 unless all of the following bills of the 97th Legislature are  
17 enacted into law.

18 (a) Senate Bill No. 667.

19 (b) Senate Bill No. 668.