

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014**

Introduced by Reps. Outman, Muxlow, Yonker, Hooker, Denby, Rogers, Kelly, Glardon, Johnson, Lyons, Pettalia, Genetski, Franz, Victory, Pagel, Daley, Poleski, Lori, MacGregor, Walsh and O'Brien

ENROLLED HOUSE BILL No. 4997

AN ACT to amend 1915 PA 31, entitled "An act to prohibit the selling, giving, or furnishing of tobacco products to minors; to prohibit the purchase, possession, or use of tobacco products by minors; to regulate the retail sale of tobacco products; to prescribe penalties; and to prescribe the powers and duties of certain state agencies and departments," by amending section 4 (MCL 722.644), as amended by 2006 PA 236.

The People of the State of Michigan enact:

Sec. 4. As used in this act:

(a) "Alternative nicotine product" means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include a tobacco product, a vapor product, or a product regulated as a drug or device by the United States food and drug administration under subchapter V of the federal food, drug, and cosmetic act, 21 USC 351 to 360eee-4.

(b) "Minor" means an individual who is less than 18 years of age.

(c) "Person who sells vapor products or alternative nicotine products at retail" means a person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products or alternative nicotine products.

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

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

(f) "Tobacco product" means a product that contains tobacco and is intended for human consumption, including, but not limited to, cigarettes, noncigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422, and cigars. Tobacco product does 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 under subchapter V of the federal food, drug, and cosmetic act, 21 USC 351 to 360eee-4.

(g) "Use a tobacco product, vapor product, or alternative nicotine product" means to smoke, chew, suck, inhale, or otherwise consume a tobacco product, vapor product, or alternative nicotine product.

(h) "Vapor product" means 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. Vapor product includes an electronic cigarette, electronic cigar, electronic cigarillo, 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 or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include a product regulated as a drug or device by the United States food and drug administration under subchapter V of the federal food, drug, and cosmetic act, 21 USC 351 to 360eee-4.

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

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

(a) Senate Bill No. 667.

(b) Senate Bill No. 668.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor