



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-3687/1  
MDK:amn

## 2019 ASSEMBLY BILL 491

October 1, 2019 - Introduced 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, cosponsored by Senators JACQUE, RISSER, BEWLEY, CARPENTER, DARLING, JOHNSON, LARSON, OLSEN, RINGHAND, SCHACHTNER and WANGGAARD. Referred to Committee on State Affairs.

1     **AN ACT** *to renumber* 101.123 (1) (h) 1., 101.123 (1) (h) 2., 101.123 (1) (h) 3. and  
2           101.123 (1) (h) 4.; *to amend* 101.123 (1) (h) (intro.); and *to create* 101.123 (1)  
3           (h) 2m. and 101.123 (1) (k) of the statutes; **relating to:** restrictions on the use  
4           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:***

5           **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:

**ASSEMBLY BILL 491****SECTION 1**

1           1m. Burning or holding, or inhaling or exhaling smoke from, any of the  
2 following items containing tobacco:

3           **SECTION 2.** 101.123 (1) (h) 1. of the statutes is renumbered 101.123 (1) (h) 1m.

4           a.

5           **SECTION 3.** 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           **SECTION 5.** 101.123 (1) (h) 3. of the statutes is renumbered 101.123 (1) (h) 1m.

10          c.

11          **SECTION 6.** 101.123 (1) (h) 4. of the statutes is renumbered 101.123 (1) (h) 1m.

12          d.

13          **SECTION 7.** 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.

25

(END)