State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-2982/1
MDE:cjs

2025 SENATE BILL 257

May 16, 2025 - Introduced by Senator TESTIN, cosponsored by Representative KURTZ. Referred to Committee on Agriculture and Revenue.

AN ACT ***to amend*** 995.15 (1) (b) of the statutes; **relating to:** the electronic vaping device directory and electronic nicotine devices.

Analysis by the Legislative Reference Bureau

2023 Wisconsin Act 73 created certain requirements related to "electronic vaping devices," defined in part as devices that may be used to deliver any aerosolized or vaporized liquid or other substance for inhalation, regardless of whether the liquid or other substance contains nicotine. Among the requirements is a requirement that a manufacturer of electronic vaping devices certify to the Department of Revenue that the manufacturer has received a marketing authorization or similar order for the electronic vaping device from the U.S. Food and Drug Administration pursuant to 21 USC 387j and a requirement that DOR maintain a directory of electronic vaping device manufacturers and electronic vaping devices for which certification forms have been submitted to DOR. The federal law 21 USC 387j generally requires that new tobacco products be reviewed by the FDA before being marketed.

Under this bill, "electronic vaping device" means, in part, a device that delivers for inhalation an aerosolized or vaporized liquid that contains nicotine.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 995.15 (1) (b) of the statutes is amended to read:

995.15 **(1)** (b) "Electronic vaping device" ~~has the meaning given in s. 134.65 (1a) (b)~~ means a device that delivers an aerosolized or vaporized liquid for inhalation from the application of a heating element to a liquid containing nicotine from any source and includes an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. "Electronic vaping device" includes a component, part, or accessory of the device and includes a liquid containing nicotine from any source that may be aerosolized or vaporized by such device, regardless of whether the liquid is sold with the product or separately. "Electronic vaping device" does not include a battery or battery charger when sold separately. "Electronic vaping device" does not include drugs, devices, or combination products authorized for sale by the U.S. food and drug administration, as those terms are defined by the Federal Food, Drug, and Cosmetic Act.

(END)