

State of Misconsin 2015 - 2016 LEGISLATURE

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ASSEMBLY SUBSTITUTE AMENDMENT 1, TO ASSEMBLY BILL 170

May 7, 2015 - Offered by Representative KLEEFISCH.

1 AN ACT *to create* 101.124 of the statutes; **relating to:** regulating the use of vapor

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products.

Analysis by the Legislative Reference Bureau

This substitute amendment provides, with an exception, that a city, village, town, or county may not enact an ordinance that regulates the use of vapor products. The substitute amendment defines a vapor product to be a noncombustible product that contains a cartridge or container of nicotine or flavoring and that employs a heating element, power source, electronic circuit, or other means to produce vapor. The definition includes such products as electronic cigarettes and electronic cigars. The substitute amendment specifies that a city, village, town, or county may restrict or prohibit the use of vapor products in any place in which it conducts the business of the city, village, town, or county.

The substitute amendment also provides that the prohibitions in the substitute amendment do not prevent a person, or his or her agent, from restricting, prohibiting, or allowing the use of vapor products in any place of business owned or operated by that person.

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

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SECTION 1. 101.124 of the statutes is created to read:

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 $\mathbf{2}$ 101.124 Regulating the use of vapor products. (1) In this section, "vapor 3 product" means a noncombustible product, regardless of shape or size, that contains a cartridge or container of nicotine or flavoring and that employs a heating element. 4 power source, electronic circuit, or other means to produce vapor. "Vapor product" $\mathbf{5}$ 6 includes an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe. "Vapor product" does not include any product regulated as a drug or device 7 8 under sections 501 to 524 of the federal food, drug and cosmetic act, 21 USC 351 to 9 360n. 10 (2) (a) 1. Except as provided in subd. 2., a city, village, town, or county may not 11 enact an ordinance regulating the use of vapor products. 122. A city, village, town, or county may restrict or prohibit the use of vapor 13products in any place in which it conducts the business of the city, village, town, or 14county. (b) If, on the effective date of this paragraph [LRB inserts date], a city, 1516 village, town, or county has in effect an ordinance that is inconsistent with par. (a), 17the ordinance does not apply and may not be enforced. 18 (3) Except as provided in sub. (2) (a) 2., nothing in this section prohibits a 19 person, or his or her agent, from restricting, prohibiting, or allowing the use of vapor 20products in any place of business owned or operated by that person. 21(END)