

---

# Wisconsin Legislative Council

## AMENDMENT MEMO

---



**Memo published:** September 27, 2021

**Contact:** David Moore, Senior Staff Attorney

**2021 Senate Bill 355**

**Senate  
Amendment 2**

### 2021 SENATE BILL 355

2021 Senate Bill 355 raises the minimum age for purchasing cigarettes, tobacco products, or nicotine products from 18 to 21 to parallel a recent change in federal law. The bill also imposes the same minimum age to the purchase of a “vapor product,” which the bill defines by reference to the definition of vapor products that applies to the vapor products tax.<sup>1</sup>

### SENATE AMENDMENT 2

Senate Amendment 2 replaces all of the references to “vapor product” within the bill with the term “electronic smoking device.” The amendment defines “electronic smoking device” as:

A device 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, including an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. “Electronic smoking device” includes a component, part, or accessory of the device, and includes a liquid or other substance that may be aerosolized or vaporized by such device, regardless of whether the liquid or other substance contains nicotine. “Electronic smoking 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 in the Federal Food, Drug, and Cosmetic Act.

Accordingly, the amendment imposes the same minimum age of 21 to the purchase of an “electronic smoking device” as the bill applies to the purchase of cigarettes, tobacco, or nicotine products.

### BILL HISTORY

Senator Marklein offered Senate Amendment 2 to Senate Bill 355 on September 15, 2021. On September 16, 2021, the Senate Committee on Judiciary and Public Safety voted to recommend adoption of the amendment on a vote of Ayes, 5; Noes, 1, and passage of the bill, as amended, on a vote of Ayes, 4; Noes, 2.

DM:jal

---

<sup>1</sup> For the purposes of the vapor products tax, “vapor product” is defined to mean “a noncombustible product that produces vapor or aerosol for inhalation from the application of a heating element to a liquid or other substance that is depleted as the product is used, regardless of whether the liquid or other substance contains nicotine.”