

State of Misconsin 2019 - 2020 LEGISLATURE

LRB-3064/1 MDK:amn

2019 SENATE BILL 245

- May 30, 2019 Introduced by Senators JACQUE, RISSER, CARPENTER, SMITH, BEWLEY, LARSON and RINGHAND, cosponsored by Representatives KOLSTE, MURSAU, QUINN, OLDENBURG, SINICKI, MILROY, GOYKE, BILLINGS, OHNSTAD, CONSIDINE, CROWLEY, SUBECK, HESSELBEIN, ANDERSON, ZAMARRIPA, RODRIGUEZ, SKOWRONSKI, POPE, STUBBS and NEUBAUER. Referred to Committee on Government Operations, Technology and Consumer Protection.
- 1 AN ACT to repeal and recreate 101.123 (1) (h); and to create 101.123 (1) (k) of
- 2 the statutes; **relating to:** applying the indoor smoking ban to vapor products
- 3 and marijuana.

Analysis by the Legislative Reference Bureau

This bill revises the definition of "smoking" for purposes of the general prohibition under current law against smoking in indoor locations. Current law defines "smoking" as burning, holding, inhaling, or exhaling smoke from any of the following tobacco-containing items: a lighted cigar, cigarette, or pipe or any other lighted smoking equipment. This bill defines "smoking" as inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product that is intended for inhalation, including natural or synthetic marijuana, in any manner or in any form.

In addition, the bill specifies that "smoking" 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

SENATE BILL 245

device. Also, a product satisfies the definition of "vapor product" regardless of whether the product contains nicotine.

- 2 -

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

1	SECTION 1. 101.123 (1) (h) of the statutes is repealed and recreated to read:
2	101.123 (1) (h) "Smoking" means inhaling, exhaling, burning, or carrying any
3	lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco
4	or plant product intended for inhalation, including marijuana, whether natural or
5	synthetic, in any manner or in any form. "Smoking" includes inhaling or exhaling
6	vapor from a vapor product.
7	SECTION 2. 101.123 (1) (k) of the statutes is created to read:
8	101.123 (1) (k) 1. "Vapor product" means any noncombustible product, which
9	may or may not contain nicotine, that employs a heating element, power source,
10	electronic circuit, or other electronic, chemical, or mechanical means, regardless of
11	shape or size, that can be used to produce vapor from a solution or other substance.
12	2. "Vapor product" includes all of the following:
13	a. An electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe,
14	or similar product or device.
15	b. Any cartridge or other container of a solution or other substance, which may
16	or may not contain nicotine, that is intended to be used with or in an electronic
17	cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or
18	device.
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19