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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2021 Assembly Bill 348**

**Assembly  
Amendment 2**

### 2021 ASSEMBLY BILL 348

2021 Assembly Bill 348 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>

### ASSEMBLY AMENDMENT 2

Assembly Amendment 2 replaces all of the references to “vapor product” within the bill with the term “electronic vaping device.”

The amendment defines “electronic vaping 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 vaping 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 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 in the Federal Food, Drug, and Cosmetic Act.

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

### BILL HISTORY

Though adoption of Assembly Amendment 1 was recommended by the Assembly Committee on Substance Abuse and Prevention in its October 13, 2021, Assembly Amendment 1 was withdrawn and returned to its author on February 23, 2023. On the same day, Representative Spiros introduced Assembly Amendment 2, and the Assembly adopted Assembly Amendment 2, and passed the bill, as amended, on voice votes.

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<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.”