

HOUSE BILL No. 5686

May 24, 2016, Introduced by Reps. Yanez, Darany, Banks, Pagan, Byrd, Greig, Cochran, Garrett, Smiley, Brunner, Talabi, Rutledge, Plawecki, Hoadley, Brinks, LaGrand, Robinson, Hovey-Wright, Moss, Phelps and Wittenberg and referred to the Committee on Regulatory Reform.

A bill to amend 1915 PA 31, entitled
"Youth tobacco act,"
by amending section 4 (MCL 722.644), as amended by 2006 PA 236, and
by adding section 2b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2B. (1) A PERSON SHALL NOT SELL IN THIS STATE AN
2 ELECTRONIC SMOKING DEVICE UNLESS THE ELECTRONIC SMOKING DEVICE IS
3 PACKAGED IN A CHILD-RESISTANT CONTAINER THAT MEETS THE REQUIREMENTS
4 OF THE POISON PREVENTION PACKAGING ACT OF 1970, 15 USC 1471 TO
5 1477, AND OF 16 CFR PART 1700.

6 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A
7 MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$50.00 FOR THE
8 FIRST VIOLATION AND NOT MORE THAN \$500.00 FOR A SECOND OR
9 SUBSEQUENT VIOLATION.

1 Sec. 4. As used in this act:

2 **(A) "ELECTRONIC SMOKING DEVICE" MEANS ANY DEVICE CONTAINING OR**
3 **DELIVERING NICOTINE OR ANY OTHER SUBSTANCE INTENDED FOR HUMAN**
4 **CONSUMPTION THROUGH THE INHALATION OF VAPOR OR AEROSOL FROM THE**
5 **PRODUCT. ELECTRONIC SMOKING DEVICE ALSO INCLUDES ANY DEVICE**
6 **MANUFACTURED, DISTRIBUTED, MARKETED, OR SOLD AS AN E-CIGARETTE, E-**
7 **PIPE, VAPE PEN, E-HOOKAH, OR ANY OTHER SIMILAR DEVICE. ELECTRONIC**
8 **SMOKING DEVICE DOES NOT INCLUDE ANY BATTERY OR BATTERY CHARGER THAT**
9 **IS SOLD SEPARATELY FROM AN ELECTRONIC SMOKING DEVICE.**

10 **(B) ~~(a)~~**"Minor" means an individual ~~under~~**WHO IS LESS THAN 18**
11 **years of age.**

12 **(C) ~~(b)~~**"Person who sells tobacco products at retail" means a
13 person whose ordinary course of business consists, in whole or in
14 part, of the retail sale of tobacco products subject to state sales
15 tax.

16 **(D) ~~(c)~~**"Public place" means a public street, sidewalk, or
17 park or any area open to the general public in a publicly owned or
18 operated building or public place of business.

19 **(E) ~~(d)~~**"Tobacco product" means a product that contains
20 tobacco and is intended for human consumption, including, but not
21 limited to, cigarettes, noncigarette smoking tobacco, or smokeless
22 tobacco, as those terms are defined in section 2 of the tobacco
23 products tax act, 1993 PA 327, MCL 205.422, and cigars.

24 **(F) ~~(e)~~**"Use a tobacco product" means to smoke, chew, suck,
25 inhale, or otherwise consume a tobacco product.

26 Enacting section 1. This amendatory act takes effect 90 days
27 after the date it is enacted into law.

1 Enacting section 2. This amendatory act does not take effect
2 unless Senate Bill No.____ or House Bill No. 5687 (request no.
3 03233'15 **) of the 98th Legislature is enacted into law.