

HOUSE BILL NO. 5019

September 24, 2019, Introduced by Rep. Steven Johnson and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2226 (MCL 333.2226).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2226. **(1)** The department may **do any of the following:**
2 (a) Engage in research programs and staff professional
3 training programs.
4 (b) Advise governmental entities or other persons as to the
5 location, drainage, water supply, disposal of solid waste, heating,



1 and ventilation of buildings.

2 (c) Enter into an agreement, contract, or arrangement with
3 governmental entities or other persons necessary or appropriate to
4 assist the department in carrying out its duties and functions.

5 (d) ~~Exercise~~ **Except as otherwise provided in subsection (2),**
6 **exercise** authority and promulgate rules to ~~safeguard~~ **do any of the**
7 **following:**

8 (i) **Safeguard** properly the public health. ~~; to prevent~~

9 (ii) **Prevent** the spread of diseases and the existence of
10 sources of contamination. ~~; and to implement~~

11 (iii) **Implement** and carry out the powers and duties vested by
12 law in the department.

13 (e) Accept gifts, grants, bequests, and other donations in the
14 name of this state. Funds or property accepted ~~shall~~ **must** be used
15 as directed by its donor and in accordance with the law, rules, and
16 procedures of this state.

17 (f) Either directly or by interagency contract, develop and
18 deliver health services to vulnerable population groups.

19 (2) **Notwithstanding any provision of this act, the department**
20 **shall not promulgate or enforce a rule, including an emergency**
21 **rule, that bans the sale, manufacturing, or use of a vapor product,**
22 **including a flavored vapor product.**

23 (3) **As used in this section:**

24 (a) **"Flavored vapor product" means a vapor product that**
25 **imparts a taste or aroma either before or during the use of the**
26 **vapor product.**

27 (b) **"Taste or aroma" means a taste or aroma of menthol, mint,**
28 **wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, a**
29 **dessert, an alcoholic beverage, an herb, or a spice, or of any**



1 other food or drink. Taste or aroma does not include the taste or
2 aroma of a tobacco product.

3 (c) "Vapor product" means that term as defined in section 4 of
4 the youth tobacco act, 1915 PA 31, MCL 722.644, if the vapor
5 cartridge or other container of nicotine or other substance
6 contains 20 milliliters or less of nicotine or another substance.

