

**SUBSTITUTE FOR
HOUSE BILL NO. 4251**

A bill to prohibit the sale of vapor products or alternative nicotine products that contain vitamin E acetate; and to prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

2 (a) "Alternative nicotine product" means a noncombustible
3 product that contains nicotine that is intended for human
4 consumption, whether chewed, absorbed, dissolved, or ingested by
5 any other means. Alternative nicotine product does not include a
6 tobacco product, a vapor product, food, or a product regulated as a
7 drug or device by the United States Food and Drug Administration
8 under 21 USC 351 to 360fff-7.

9 (b) "Vapor product" means a noncombustible product that



1 employs a heating element, power source, electronic circuit, or
2 other electronic, chemical, or mechanical means, regardless of
3 shape or size, that can be used to produce vapor from nicotine or
4 any other substance, and the use or inhalation of which simulates
5 smoking. Vapor product includes an electronic cigarette, electronic
6 cigar, electronic cigarillo, electronic pipe, or similar product or
7 device and a vapor cartridge or other container of nicotine or
8 other substance in a solution or other form that is intended to be
9 used with or in an electronic cigarette, electronic cigar,
10 electronic cigarillo, electronic pipe, or similar product or
11 device. Vapor product does not include a product regulated as a
12 drug or device by the United States Food and Drug Administration
13 under 21 USC 351 to 360fff-7.

14 Sec. 5. (1) A person shall not sell a vapor product or
15 alternative nicotine product that contains or has been combined
16 with any of the following:

17 (a) Vitamin E acetate.

18 (b) Any other ingredient unless both of the following
19 conditions are met:

20 (i) The ingredient is approved by the United States Food and
21 Drug Administration for inhalation.

22 (ii) The concentration of the ingredient in the vapor product
23 or alternative nicotine product is equal to or less than the
24 maximum concentration approved by the United States Food and Drug
25 Administration.

26 (2) A person who violates subsection (1) is guilty of a
27 misdemeanor punishable by a fine of not more than \$10,000.00.

