

**SUBSTITUTE FOR
HOUSE BILL NO. 5161**

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 vitamin E acetate.

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

