

Act No. 17

Public Acts of 2019

Approved by the Governor

June 4, 2019

Filed with the Secretary of State

June 4, 2019

EFFECTIVE DATE: September 2, 2019

STATE OF MICHIGAN

100TH LEGISLATURE

REGULAR SESSION OF 2019

Introduced by Senators Bullock, Outman, Wojno, Johnson, McMorrow, Lucido, Polehanki, Hertel, Bayer, Moss, Brinks, Zorn, McBroom, Bizon and Hollier

ENROLLED SENATE BILL No. 155

AN ACT to amend 1915 PA 31, entitled “An act to prohibit the selling, giving, or furnishing of tobacco products to minors; to prohibit the purchase, possession, or use of tobacco products by minors; to regulate the retail sale of tobacco products; to prescribe penalties; and to prescribe the powers and duties of certain state agencies and departments,” (MCL 722.641 to 722.645) by adding sections 2b and 2c.

The People of the State of Michigan enact:

Sec. 2b. (1) A person shall not sell in this state a liquid nicotine container unless the liquid nicotine container meets the child-resistant effectiveness standards of 16 CFR 1700.15(b).

(2) A person who violates subsection (1) is guilty of a misdemeanor punishable by a fine of not more than \$50.00 for each violation.

(3) As used in this section:

(a) “Liquid nicotine” means a liquid or other substance containing nicotine in any concentration that is sold, marketed, or intended for use in a noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine or any other substance, and the use or inhalation of which simulates smoking.

(b) “Liquid nicotine container” means a bottle or other container holding liquid nicotine in any concentration but does not include a cartridge containing liquid nicotine if the cartridge is prefilled and sealed by the manufacturer of the cartridge and is not intended to be opened by the consumer.

Sec. 2c. A person who sells vapor products or alternative nicotine products at retail shall not display for sale in this state a vapor product unless the vapor product is stored for sale behind a counter in an area accessible only to employees or within a locked case so that a customer wanting access to the vapor product must ask an employee for assistance. A person who violates this section is responsible for a state civil infraction and shall be fined not more than \$500.00.

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

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 106 of the 100th Legislature is enacted into law.

This act is ordered to take immediate effect.

Secretary of the Senate

Clerk of the House of Representatives

Approved

Governor