



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1116/5
RNK:jld&kjf:jf

2015 BILL

1 **AN ACT** *to create* 101.124 of the statutes; **relating to:** regulating the use of vapor
2 products.

Analysis by the Legislative Reference Bureau

This bill prohibits the use of vapor products in the indoor locations and the outdoor premises of a child care center when children who are receiving child care services are present. The bill also prohibits the use of vapor products in the indoor locations and outdoor premises of a public or private elementary or secondary school and in the indoor locations of a hospital. The bill defines a vapor product to be a noncombustible product that contains a cartridge or container of nicotine or flavoring and that employs a heating element, power source, electronic circuit, or other means to produce vapor. The definition includes such products as electronic cigarettes and electronic cigars.

The bill also provides, with an exception, that a city, village, town, or county may not enact an ordinance that regulates the use of vapor products unless the ordinance or policy strictly conforms to the prohibitions established in the bill. The bill specifies that a city, village, town, or county may restrict or prohibit the use of vapor products in the enclosed places of buildings in which it conducts the business of the city, village, town, or county.

The bill also provides that the prohibitions in the bill do not prevent a person, or his or her agent, from restricting, prohibiting, or allowing the use of vapor products in the enclosed places, or anywhere on the premises, of a place of business

BILL

owned or operated by that person, except in those places in which the use of vapor products is specifically prohibited under the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 101.124 of the statutes is created to read:

2 **101.124 Restrictions on the use of vapor products. (1)** In this section:

3 (a) “Child care center” has the meaning given in s. 49.136 (1) (ad).

4 (b) “Enclosed place” has the meaning given in s. 101.123 (1) (ak).

5 (c) “Hospital” has the meaning given in s. 50.33 (2).

6 (d) “Vapor product” means a noncombustible product, regardless of shape or
7 size, that contains a cartridge or container of nicotine or flavoring and that employs
8 a heating element, power source, electronic circuit, or other means to produce vapor.
9 “Vapor product” includes an electronic cigarette, electronic cigar, electronic cigarillo,
10 or electronic pipe. “Vapor product” does not include any product regulated as a drug
11 or device under sections 501 to 524 of the federal food, drug and cosmetic act, 21 USC
12 351 to 360n.

13 **(2)** No person may use a vapor product in any of the following places:

14 (a) The enclosed places and outdoor premises of a child care center, when
15 children who are receiving child care services are present.

16 (b) The enclosed places and outdoor premises of a public or private elementary
17 or secondary school.

18 (c) The enclosed places of a hospital.

19 **(3)** (a) 1. Except as provided in subd. 2., a city, village, town, or county may not
20 enact an ordinance regulating the use of vapor products unless the ordinance or
21 policy strictly conforms with sub. (2).

BILL

1 2. A city, village, town, or county may restrict or prohibit the use of vapor
2 products in the enclosed places in which it conducts the business of the city, village,
3 town, or county.

4 (b) If, on the effective date of this paragraph [LRB inserts date], a city,
5 village, town, or county has in effect an ordinance that is inconsistent with par. (a),
6 the ordinance does not apply and may not be enforced.

7 (4) Except as provided in subs. (2) and (3) (a) 2., nothing in this section prohibits
8 a person, or his or her agent, from restricting, prohibiting, or allowing the use of
9 vapor products in the enclosed places, or anywhere on the premises, of a place of
10 business owned or operated by that person.

11 (5) Any person who violates sub. (2) may be subject to a forfeiture of not less
12 than \$100 nor more than \$250 for each violation.

13 **(END)**