



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1116/4  
RNK:jld&kjf:jm

## 2015 BILL

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

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*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 nicotine or a flavoring and that uses a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical 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

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

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*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 nicotine or a flavoring and that employs a heating element, power  
8 source, electronic circuit, or other electronic, chemical, or mechanical means to  
9 produce vapor. “Vapor product” includes an electronic cigarette, electronic cigar,  
10 electronic cigarillo, or electronic pipe, or a vapor cartridge or container of nicotine  
11 intended to be used with or in an electronic cigarette, electronic cigar, electronic  
12 cigarillo, or electronic pipe. “Vapor product” does not include any product regulated  
13 as a drug or device under sections 501 to 524 of the federal food, drug and cosmetic  
14 act, 21 USC 351 to 360n.

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

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

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

20           (c) The enclosed places of a hospital.

