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State of Misconsin 2021 - 2022 LEGISLATURE

LRB-5570/1 KP:amn

2021 ASSEMBLY BILL 1123

March 10, 2022 - Introduced by Representatives Billings, Pope, Vining, Baldeh, Bowen, Cabrera, Conley, Considine, Hebl, Milroy, Shelton, Sinicki, Stubbs, Subeck, Vruwink, Cabral-Guevara and Hesselbein, cosponsored by Senators Carpenter, Agard, Roys and L. Taylor. Referred to Committee on Rules.

AN ACT to repeal and recreate 101.123 (1) (h); and to create 101.123 (1) (ah)

of the statutes; **relating to:** applying the indoor smoking ban to electronic smoking devices and marijuana.

Analysis by the Legislative Reference Bureau

This bill revises the definition of "smoking" for purposes of the general prohibition under current law against smoking in indoor locations. The bill defines "smoking" as inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product that is intended for inhalation, including natural or synthetic marijuana, in any manner or in any form. Current law defines "smoking" as burning, holding, inhaling, or exhaling smoke from any of the following tobacco-containing items: a lighted cigar, cigarette, or pipe or any other lighted smoking equipment.

In addition, the bill specifies that "smoking" includes inhaling or exhaling an aerosolized or vaporized liquid or other substance from an "electronic smoking device." The bill defines "electronic smoking device" as any device that can be used to deliver an aerosolized or vaporized liquid or other substance for inhalation, regardless of whether the liquid or other substance contains nicotine, including an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.

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

ASSEMBLY BILL 1123

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SECTION 1.	101.123	(1)	(ah)	of the	statutes	is	created	to	read:
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101.123 (1) (ah) "Electronic smoking device" means a device that may be used to deliver any aerosolized or vaporized liquid or other substance for inhalation, regardless of whether the liquid or other substance contains nicotine, including an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. "Electronic smoking device" does not include drugs, devices, or combination products authorized for sale by the U.S. food and drug administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

Section 2. 101.123 (1) (h) of the statutes is repealed and recreated to read:

101.123 (1) (h) "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" includes inhaling or exhaling an aerosolized or vaporized liquid or other substance from an electronic smoking device.

15 (END)