

## Wisconsin Electronic Vaping Device Directory Overview

*(Shared via email from Liz Adams - July 14, 2025)*

We've been getting quite a few questions about [Wis. Stat 995.15](#), the Electronic Vaping Device Directory, and the amendment that was introduced and passed through the budget bill that changed requirements for electronic vaping devices that contain hemp (and no nicotine). Our guidance would be to not actively educate on this policy, but we wanted to share information so that you are informed and can answer questions if you are asked.

**The Department of Revenue (DOR) is the enforcement agency for this law** and they have been communicating to retailers the requirements of this policy. DOR also outlines the law in their [Cigarette, Tobacco, and Vapor Products Tax and Regulatory Information Publication \(page 12\)](#).

### **As a reminder, this is the definition of an electronic vaping device:**

"Electronic vaping 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 vaping device" includes a component, part, or accessory of the device, and includes a liquid or other substance that may be aerosolized or vaporized by such device, regardless of whether the liquid or other substance contains nicotine. "Electronic vaping device" does not include a battery or battery charger when sold separately. "Electronic vaping 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.

- **The Electronic Vaping Device Directory is created, maintained, and enforced by DOR.**
- **The policy was passed in 2023 through Act 73 and went into effect July 1, 2025.**  
An update for electronic vaping devices that contain hemp was passed on July 3, 2025 through [Act 15](#) (budget).
- **All electronic vaping devices must be listed on this directory to be sold in Wisconsin.** However, appearance on the directory does not indicate a device complies with all applicable state, local, and federal laws.
- **Requirements of manufacturers of electronic vaping devices:**
  - Electronic vaping devices that are not hemp devices: By July 1, 2025, manufacturers of electronic vaping devices must submit a list of all products available for sale in Wisconsin and provide proof that these products have either (1) received marketing authorization order from the FDA; or (2) the device was marketed as of August 8, 2016 and they've submitted a Premarket Tobacco Product Application (PMTA) to the FDA and the application is still under review or a final decision on the application has not taken effect.

- **Starting September 1, 2025, manufacturers and retailers will be fined \$1,000 per day for each device that is being offered or sold that is not listed on the directory.**
- Electronic vaping devices that only contain hemp: [Act 15](#) included changes to 995.15 related to requirements for hemp devices. DOR will be updating their publication document to reflect those changes. By July 1, 2026, manufacturers of electronic vaping devices that contain hemp and not nicotine must submit a list of all products available for sale in Wisconsin and provide a certificate of analysis from an independent laboratory showing that the electronic vaping device is a hemp device and does not contain nicotine.
- **Starting September 1, 2026, manufacturers and retailers will be fined \$1,000 per day for each device that is being offered or sold that is not listed on the directory.**
- Devices must be certified through DOR each year with a \$500 fee per device.
- The directory will be listed on [DOR's Cigarette, Tobacco, and Vapor Products webpage](#).

**Electronic vaping device directories are being challenged around the country.**

A [lawsuit](#) was recently filed in Wisconsin. At this time, we don't know how this will impact the implementation and enforcement of the directory.