



This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 286: Regulate the Sale of E-Liquid Containers

2015-2016 General Assembly

Committee:	House Health, if favorable, Commerce and Job Development	Date:	May 26, 2015
Introduced by:	Sens. Bingham, D. Davis	Prepared by:	Theresa Matula Committee Staff
Analysis of:	Third Edition		

SUMMARY: Senate Bill 286 makes it unlawful to sell e-liquid containers without child-resistant packaging; makes it unlawful to sell an e-liquid product containing nicotine unless the packaging states that the product contains nicotine; makes violation a Class A1 misdemeanor; and provides that any person, firm, or corporation would be liable for damages as a result of selling e-liquid containers without child-resistant packaging.

BILL ANALYSIS: Senate Bill 286 creates G.S. 14-401.18A prohibiting the sale of certain e-liquid containers. The bill provides definitions for the following: child-resistant packaging, e-liquid, e-liquid container, and vapor product.

- Child-resistant packaging - Packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.
- E-liquid - a liquid product intended to be vaporized and inhaled using a vapor product, whether or not it contains nicotine.
- E-liquid container – a bottle or other container of e-liquid. The term does not include a container holding liquid that is intended for use in a vapor product if the container is pre-filled and sealed by the manufacturer and is not intended to be opened by the consumer.
- Vapor product – any noncombustible product that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid solution contained in a vapor cartridge. The term includes: electronic cigarette, electronic cigar, electronic cigarillo, and electronic pipe.

The bill makes it unlawful for any person, firm or corporation to sell, offer for sale, or introduce into commerce in the State an e-liquid container unless the container constitutes child-resistant packaging. Violation is a Class A1 misdemeanor.

The bill also makes it unlawful for any person, firm or corporation to sell, offer for sale, or introduce into commerce in the State an e-liquid container for a product containing nicotine unless the packaging for the e-liquid states that it contains nicotine. Violation is a Class A1 misdemeanor.

Any person, firm, or corporation in violation of this section will be liable for damages to any person injured as a result of the violation.

EFFECTIVE DATE: This act would become effective December 1, 2015, and apply to offenses committed on or after that date.

* Amy Jo Johnson, former Committee staff, contributed to this summary.

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