



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

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

2015-2016 General Assembly

Committee: House Commerce and Job Development	Date: June 10, 2015
Introduced by: Sens. Bingham, D. Davis	Prepared by: Jennifer Mundt
Analysis of: Third Edition	Committee Staff

SUMMARY: Senate Bill 286 would: (i) make it unlawful to sell e-liquid containers without child-resistant packaging; (ii) make it unlawful to sell an e-liquid product containing nicotine unless the packaging states that the product contains nicotine; (iii) make violation of each provision a Class A1 misdemeanor; (iv) and provide that any person, firm, or corporation would be liable for damages as a result of selling e-liquid containers without child-resistant packaging and any required labeling.

BILL ANALYSIS: Senate Bill 286 would create a new statute to prohibit the sale of certain e-liquid containers by:

- Making 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.
- Making it unlawful for any person, firm or corporation to sell, offer for sale, or introduce into commerce in the State an e-liquid container an e-liquid product containing nicotine unless the packaging for the e-liquid states that it contains nicotine.

A person who violates either of these provisions would be guilty of a Class A1 misdemeanor. Any person, firm, or corporation in violation of this statute would be liable for damages to any person injured as a result of the violation.

The bill would define the following terms:

- Child-resistant packaging – Packaging that is designed or constructed to be significantly difficult for children under 5 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.

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

Theresa Matula, staff to the House Health Committee, substantially contributed to this summary.

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