



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

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: S.L. 2015-141

Date:

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SUMMARY: *S.L. 2015-141 creates a new statute to: (i) make it unlawful to sell e-liquid containers without child-resistant packaging; (ii) prohibit the sale of an e-liquid product containing nicotine unless the packaging states that the product contains nicotine; (iii) provide that violation of each of the foregoing prohibitions is 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. The new statute defines the following terms: 'child-resistant packaging;' 'e-liquid;' 'e-liquid container;' and 'vapor product.'*

This act became effective December 1, 2015, and applies to offenses committed on or after that date.

BILL ANALYSIS: The act creates 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 or 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 is guilty of a Class A1 misdemeanor. Any person, firm, or corporation in violation of this statute is liable for damages to any person injured as a result of the violation.

The act defines 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

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solution contained in a vapor cartridge. The term includes: electronic cigarettes, electronic cigars, electronic cigarillos, and electronic pipes.

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

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