



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

2015-2016 General Assembly

**Committee:** Senate Health Care  
**Introduced by:** Sens. Bingham, D. Davis  
**Analysis of:** Second Edition

**Date:** April 22, 2015  
**Prepared by:** Amy Jo Johnson  
Committee Counsel

**SUMMARY:** *S286 prohibits the sale of e-liquid containers without child-resistant packaging and creates a new Class A1 misdemeanor for a violation of the provisions prohibiting the sale of e-liquid containers without child-resistant packaging. Any person, firm, or corporation would also be liable for damages as a result of selling e-liquid containers without child-resistant packaging.*

### BILL ANALYSIS:

S286 prohibits the sale, offer of sale, or introduction into commerce, of e-liquid containers without child-resistant packaging. Child-resistant packaging is defined in the bill as:

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 packing which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

The term e-liquid filled container 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.

Senate bill 286 creates a new Class A1 misdemeanor for a violation of the provisions prohibiting the sale of e-liquid containers without child-resistant packaging. Any person, firm, or corporation in violation would also be liable in damages as a result of selling e-liquid containers without child-resistant packaging.

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

O. Walker Reagan  
Director



Research Division  
(919) 733-2578

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