

[DISCUSSION DRAFT]

114TH CONGRESS
1ST SESSION

H. R. _____

To require special packaging for liquid nicotine containers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To require special packaging for liquid nicotine containers,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Nicotine Poi-
5 soning Prevention Act of 2015”.

6 **SEC. 2. SPECIAL PACKAGING FOR LIQUID NICOTINE CON-**
7 **TAINERS.**

8 (a) REQUIREMENT.—Notwithstanding section 2(f)(2)
9 of the Federal Hazardous Substances Act (15 U.S.C.

1 1261(f)(2)) and section 3(a)(5) of the Consumer Product
2 Safety Act (15 U.S.C. 2052(a)(5)), any nicotine provided
3 in a liquid nicotine container sold, offered for sale, manu-
4 factured for sale, distributed in commerce, or imported
5 into the United States shall be packaged in accordance
6 with the standards provided in section 1700.15 of title 16,
7 Code of Federal Regulations, as determined through test-
8 ing in accordance with the method described in section
9 1700.20 of title 16, Code of Federal Regulations, and any
10 subsequent changes to such sections adopted by the Com-
11 mission.

12 (b) SAVINGS CLAUSE.—

13 (1) IN GENERAL.—Nothing in this Act shall be
14 construed to limit or otherwise affect the authority
15 of the Secretary of Health and Human Services to
16 regulate, issue guidance, or take action regarding
17 the manufacture, marketing, sale, distribution, im-
18 portation, or packaging, including child-resistant
19 packaging, of nicotine, liquid nicotine, liquid nicotine
20 containers, electronic cigarettes, electronic nicotine
21 delivery systems or other similar products that con-
22 tain or dispense liquid nicotine, or any other nico-
23 tine-related products, including authority under the
24 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
25 301 et seq.) and the Family Smoking Prevention

1 and Tobacco Control Act (Public Law 111-31) and
2 the amendments made by such Act.

3 (2) CONSULTATION.—If the Secretary of
4 Health and Human Services adopts, maintains, en-
5 forces, or imposes or continues in effect any pack-
6 aging requirement for liquid nicotine containers, in-
7 cluding a child-resistant packaging requirement, the
8 Secretary shall consult with the Commission, taking
9 into consideration the expertise of the Commission
10 in implementing and enforcing this Act and the Poi-
11 son Prevention Packaging Act of 1970 (15 U.S.C.
12 1471 et seq.).

13 (c) APPLICABILITY.—Notwithstanding section
14 3(a)(5) of the Consumer Product Safety Act (15 U.S.C.
15 2052(a)(5)) and section 2(f)(2) of the Federal Hazardous
16 Substances Act (15 U.S.C. 1261(f)(2)), the requirement
17 of subsection (a) shall be treated as a standard for the
18 special packaging of a household substance established
19 under section 3(a) of the Poison Prevention Packaging
20 Act of 1970 (15 U.S.C. 1472(a)).

21 (d) DEFINITIONS.—In this section:

22 (1) COMMISSION.—The term “Commission”
23 means the Consumer Product Safety Commission.

24 (2) LIQUID NICOTINE CONTAINER.—

1 (A) IN GENERAL.—Notwithstanding sec-
2 tion 2(f)(2) of the Federal Hazardous Sub-
3 stances Act (15 U.S.C. 1261(f)(2)) and section
4 3(a)(5) of the Consumer Product Safety Act
5 (15 U.S.C. 2052(a)(5)), the term “liquid nico-
6 tine container” means a package (as defined in
7 section 2 of the Poison Prevention Packaging
8 Act of 1970 (15 U.S.C. 1471))—

9 (i) from which nicotine in a solution
10 or other form is accessible through normal
11 and foreseeable use by a consumer; and

12 (ii) that is used to hold soluble nico-
13 tine in any concentration.

14 (B) EXCLUSION.—The term “liquid nico-
15 tine container” does not include a sealed, pre-
16 filled, and disposable container of nicotine in a
17 solution or other form in which such container
18 is inserted directly into an electronic cigarette,
19 electronic nicotine delivery system, or other
20 similar product, if the nicotine in the container
21 is inaccessible through customary or reasonably
22 foreseeable handling or use, including reason-
23 ably foreseeable ingestion or other contact by
24 children.

1 (3) NICOTINE.—The term “nicotine” means
2 any form of the chemical nicotine, including any salt
3 or complex, regardless of whether the chemical is
4 naturally or synthetically derived.

5 **SEC. 3. EFFECTIVE DATE.**

6 This Act shall take effect on the date that is 180 days
7 after the date of the enactment of this Act.