

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

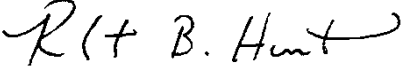
No. 423

H.P. 290

House of Representatives, February 12, 2015

An Act To Require Child-resistant Packaging for Products Containing Liquid Nicotine

Reference to the Committee on Health and Human Services suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative SANDERSON of Chelsea.
Cosponsored by Senator JOHNSON of Lincoln and
Representatives: FARNSWORTH of Portland, GATTINE of Westbrook, JORGENSEN of
Portland, O'CONNOR of Berwick, PARRY of Arundel, POULIOT of Augusta, PRESCOTT of
Waterboro, Senator: BURNS of Washington.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §1560-B** is enacted to read:

3 **§1560-B. Liquid nicotine**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Child-resistant packaging" means packaging meeting the specifications in 16
7 Code of Federal Regulations, Section 1700.15(b)(1) (2015) and tested by the method
8 described in 16 Code of Federal Regulations, Section 1700.20 (2015).

9 B. "Nicotine liquid container" means a container used to hold a liquid or gel
10 containing nicotine that is sold, marketed or intended for use as a tobacco substitute.

11 **2. Prohibition.** Beginning January 1, 2016, a person may not sell, furnish, give
12 away or offer to sell, furnish or give away the following products:

13 A. A liquid or gel product containing nicotine intended for use as a tobacco
14 substitute unless the product is contained in child-resistant packaging; or

15 B. A nicotine liquid container unless the container is child-resistant packaging.

16 **3. Penalties.** This subsection applies to violations of subsection 2.

17 A. A person who violates subsection 2 commits a civil violation for which a fine of
18 \$500 may be adjudged.

19 B. A person who violates subsection 2 after having previously violated subsection 2
20 commits a civil violation for which a fine of \$1,000 may be adjudged.

21 C. A person who violates subsection 2 after having previously violated subsection 2
22 more than once commits a civil violation for which a fine of \$5,000 may be adjudged.

23 **SUMMARY**

24 This bill prohibits selling, furnishing or giving away a container used to hold any
25 liquid containing nicotine if the container is not child-resistant packaging and prohibits
26 selling, furnishing or giving away a liquid or gel product that contains nicotine unless the
27 product is contained in child-resistant packaging.