

114TH CONGRESS
1ST SESSION

S. 142

To require the Consumer Product Safety Commission to promulgate a rule to require child safety packaging for liquid nicotine containers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 8, 2015

Mr. NELSON (for himself, Ms. AYOTTE, Mr. BENNET, Mr. BLUMENTHAL, Mrs. BOXER, Mr. BROWN, Mr. DURBIN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MERKLEY, Mr. REED, Mr. SCHATZ, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Consumer Product Safety Commission to promulgate a rule to require child safety 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. CHILD SAFETY PACKAGING FOR LIQUID NICOTINE**
7 **CONTAINERS.**

8 (a) DEFINITIONS.—In this section:

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

3 (2) LIQUID NICOTINE CONTAINER.—The term
4 “liquid nicotine container” means a consumer prod-
5 uct, as defined in section 3(a)(5) of the Consumer
6 Product Safety Act (15 U.S.C. 2052(a)(5)) notwith-
7 standing subparagraph (B) of such section, that con-
8 sists of a container that—

9 (A) has an opening from which nicotine in
10 a solution or other form is accessible and can
11 flow freely through normal and foreseeable use
12 by a consumer; and

13 (B) is used to hold soluble nicotine in any
14 concentration.

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

19 (4) SPECIAL PACKAGING.—The term “special
20 packaging” has the meaning given such term in sec-
21 tion 2 of the Poison Prevention Packaging Act of
22 1970 (15 U.S.C. 1471).

23 (b) REQUIRED USE OF SPECIAL PACKAGING FOR
24 LIQUID NICOTINE CONTAINERS.—

25 (1) RULEMAKING.—

1 (A) IN GENERAL.—Notwithstanding sec-
2 tion 3(a)(5)(B) of the Consumer Product Safe-
3 ty Act (15 U.S.C. 2052(a)(5)(B)) or section
4 2(f)(2) of the Federal Hazardous Substances
5 Act (15 U.S.C. 1261(f)(2)), not later than 1
6 year after the date of the enactment of this Act,
7 the Commission shall promulgate a rule requir-
8 ing special packaging for liquid nicotine con-
9 tainers.

10 (B) AMENDMENTS.—The Commission may
11 promulgate such amendments to the rule pro-
12 mulgated under subparagraph (A) as the Com-
13 mission considers appropriate.

14 (2) EXPEDITED PROCESS.—The Commission
15 shall promulgate the rules under paragraph (1) in
16 accordance with section 553 of title 5, United States
17 Code.

18 (3) INAPPLICABILITY OF CERTAIN RULEMAKING
19 REQUIREMENTS.—The following provisions shall not
20 apply to a rulemaking under paragraph (1):

21 (A) Sections 7 and 9 of the Consumer
22 Product Safety Act (15 U.S.C. 2056 and
23 2058).

24 (B) Section 3 of the Federal Hazardous
25 Substances Act (15 U.S.C. 1262).

1 (C) Subsections (b) and (c) of section 3 of
2 the Poison Prevention Packaging Act of 1970
3 (15 U.S.C. 1472).

4 (4) SAVINGS CLAUSE.—Nothing in this section
5 shall be construed to limit or diminish the authority
6 of the Food and Drug Administration to regulate
7 the manufacture, marketing, sale, or distribution of
8 liquid nicotine, liquid nicotine containers, electronic
9 cigarettes, or similar products that contain or dis-
10 pense liquid nicotine.

11 (5) ENFORCEMENT.—A rule promulgated under
12 paragraph (1) shall be treated as a standard appli-
13 cable to a household substance established under
14 section 3(a) of the Poison Prevention Packaging Act
15 of 1970 (15 U.S.C. 1472(a)).

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