

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

### **§ 1560-B. Liquid nicotine**

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

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

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

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

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

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

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

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

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

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

### **SUMMARY**

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