



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.

A handwritten signature in cursive script that reads "R B. Hunt".

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.