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(Original Signature of Member)

114TH CONGRESS  
1ST SESSION

**H. R.**

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

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IN THE HOUSE OF REPRESENTATIVES

Mrs. BROOKS of Indiana (for herself and Ms. ESTY) introduced the following bill; which was referred to the Committee on

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**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”.

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

3 (a) REQUIREMENT.—Notwithstanding section 2(f)(2)  
4 of the Federal Hazardous Substances Act (15 U.S.C.  
5 1261(f)(2)) and section 3(a)(5) of the Consumer Product  
6 Safety Act (15 U.S.C. 2052(a)(5)), any nicotine provided  
7 in a liquid nicotine container sold, offered for sale, manu-  
8 factured for sale, distributed in commerce, or imported  
9 into the United States shall be packaged in accordance  
10 with the standards provided in section 1700.15 of title 16,  
11 Code of Federal Regulations, as determined through test-  
12 ing in accordance with the method described in section  
13 1700.20 of title 16, Code of Federal Regulations, and any  
14 subsequent changes to such sections adopted by the Com-  
15 mission.

16 (b) SAVINGS CLAUSE.—

17 (1) IN GENERAL.—Nothing in this Act shall be  
18 construed to limit or otherwise affect the authority  
19 of the Secretary of Health and Human Services to  
20 regulate, issue guidance, or take action regarding  
21 the manufacture, marketing, sale, distribution, im-  
22 portation, or packaging, including child-resistant  
23 packaging, of nicotine, liquid nicotine, liquid nicotine  
24 containers, electronic cigarettes, electronic nicotine  
25 delivery systems or other similar products that con-

1       tain or dispense liquid nicotine, or any other nico-  
2       tine-related products, including—

3               (A) authority under the Federal Food,  
4       Drug, and Cosmetic Act (21 U.S.C. 301 et  
5       seq.) and the Family Smoking Prevention and  
6       Tobacco Control Act (Public Law 111–31) and  
7       the amendments made by such Act; and

8               (B) authority for the rulemaking entitled  
9       “Deeming Tobacco Products to Be Subject to  
10      the Federal Food, Drug, and Cosmetic Act, as  
11      Amended by the Family Smoking Prevention  
12      and Tobacco Control Act; regulations on the  
13      Sale and Distribution of Tobacco Products and  
14      the Required Warning Statements for Tobacco  
15      Products” (April 2014) (FDA-2014-N-0189),  
16      the rulemaking entitled “Nicotine Exposure  
17      Warnings and Child-Resistant Packaging for  
18      Liquid Nicotine, Nicotine-Containing E-Liq-  
19      uid(s), and Other Tobacco Products” (June  
20      2015) (FDA-2015-N-1514), and subsequent ac-  
21      tions by the Secretary regarding packaging of  
22      liquid nicotine containers.

23              (2) CONSULTATION.—If the Secretary of  
24      Health and Human Services adopts, maintains, en-  
25      forces, or imposes or continues in effect any pack-

1 aging requirement for liquid nicotine containers, in-  
2 cluding a child-resistant packaging requirement, the  
3 Secretary shall consult with the Commission, taking  
4 into consideration the expertise of the Commission  
5 in implementing and enforcing this Act and the Poi-  
6 son Prevention Packaging Act of 1970 (15 U.S.C.  
7 1471 et seq.).

8 (c) APPLICABILITY.—Notwithstanding section  
9 3(a)(5) of the Consumer Product Safety Act (15 U.S.C.  
10 2052(a)(5)) and section 2(f)(2) of the Federal Hazardous  
11 Substances Act (15 U.S.C. 1261(f)(2)), the requirement  
12 of subsection (a) shall be treated as a standard for the  
13 special packaging of a household substance established  
14 under section 3(a) of the Poison Prevention Packaging  
15 Act of 1970 (15 U.S.C. 1472(a)).

16 (d) DEFINITIONS.—In this section:

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

19 (2) LIQUID NICOTINE CONTAINER.—

20 (A) IN GENERAL.—Notwithstanding sec-  
21 tion 2(f)(2) of the Federal Hazardous Sub-  
22 stances Act (15 U.S.C. 1261(f)(2)) and section  
23 3(a)(5) of the Consumer Product Safety Act  
24 (15 U.S.C. 2052(a)(5)), the term “liquid nico-  
25 tine container” means a package (as defined in

1 section 2 of the Poison Prevention Packaging  
2 Act of 1970 (15 U.S.C. 1471)—

3 (i) from which nicotine in a solution  
4 or other form is accessible through normal  
5 and foreseeable use by a consumer; and

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

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

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

23 **SEC. 3. EFFECTIVE DATE.**

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