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114TH CONGRESS
1ST SESSION

H. R. 1375

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 HOUSE OF REPRESENTATIVES

MARCH 16, 2015

Ms. ESTY (for herself, Ms. CLARK of Massachusetts, Ms. DELAURO, Mr. DEUTCH, Mr. HONDA, Mr. LOWENTHAL, Ms. MATSUI, Ms. SLAUGHTER, and Ms. WASSERMAN SCHULTZ) introduced the following bill; which was referred to the Committee on Energy and Commerce

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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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Nicotine Poisoning Prevention Act of 2015''.

SEC. 2. CHILD SAFETY PACKAGING FOR LIQUID NICOTINE CONTAINERS.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Consumer Product Safety Commission.

(2) LIQUID NICOTINE CONTAINER.—The term ''liquid nicotine container'' means a consumer product, as defined in section 3(a)(5) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(5)) notwithstanding subparagraph (B) of such section, that consists of a container that—

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

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

(3) NICOTINE.—The term ''nicotine'' means any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived.

(4) SPECIAL PACKAGING.—The term ''special packaging'' has the meaning given such term in section 2 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471).

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

(1) RULEMAKING.—

(A) IN GENERAL.—Notwithstanding section 3(a)(5)(B) of the Consumer Product Safety Act (15 U.S.C. 2052(a)(5)(B)) or section 2(f)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(f)(2)), not later than 1 year after the date of the enactment of this Act, the Commission shall promulgate a rule requiring special packaging for liquid nicotine containers.

(B) AMENDMENTS.—The Commission may promulgate such amendments to the rule promulgated under subparagraph (A) as the Commission considers appropriate.

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

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

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

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

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

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

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

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