

HOUSE No. 3469

The Commonwealth of Massachusetts

PRESENTED BY:

Jonathan Hecht

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote disclosure of toxins in e-cigarettes.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>

<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Barbara L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>

HOUSE No. 3469

By Mr. Hecht of Watertown, a petition (accompanied by bill, House, No. 3469) of Jonathan Hecht and others relative to toxins contained in the vapor produced by e-cigarettes. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act to promote disclosure of toxins in e-cigarettes.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 94 is hereby amended by inserting after section 307C the following
2 section:-

3 Section 307D.(a) As used in this section, the following terms shall have the following
4 meanings:

5 (1) "Department", the department of public health.

6 (2) "E-cigarette", any electronic device that can be used to deliver nicotine vapor to the
7 user through vaporization of any liquid or solid, and shall include such devices whether
8 manufactured as e-cigarettes, e-cigars, e-pipes, or under any other product name.

9 (3) "Manufacturer", any person, firm, association, partnership, corporation, governmental
10 entity, organization, combination or joint venture that produces an e-cigarette. If the e-cigarette
11 is produced in a foreign country, the manufacturer is the importer or domestic distributor;

12 provided, however, that, if a company from whom an importer purchases the e-cigarette has a
13 United States presence or assets, that company shall be considered the manufacturer.

14 (b) For each brand of e-cigarette sold in the commonwealth, the manufacturer shall file a
15 report annually with the department, at a time and in a form specified by the department,
16 identifying the concentration of any toxins contained in the vapor produced by an e-cigarette
17 when used as intended by the manufacturer.

18 (c) The department shall make all reports filed under this section available to the public
19 on its website.

20 (d) Any manufacturer of an e-cigarette that fails to file a report by the date required by
21 the department pursuant to subsection (b) shall be subject to a fine of \$10,000 for each day after
22 such date that it fails to file a report.

23 (e) Any manufacturer of an e-cigarette that files a report understating the concentration of
24 a toxin by an amount exceeding a range established by the department shall be subject to a fine
25 of \$10,000 for each day that it fails to file an amended report as directed by the department.

26 (f) The sale of any e-cigarette for which the manufacturer has failed to file a report by the
27 date required by the department pursuant to subsection (b) or has failed to file an amended report
28 as directed by the department pursuant to subsection (e) shall constitute an unfair or deceptive
29 act under chapter 93A.

30 SECTION 2. Not more than 90 days from the effective date of this act, the department of
31 public health shall promulgate regulations for the implementation of section 307D of chapter 94
32 of the General Laws, inserted by section 1, including but not limited to the types and

33 concentrations of toxins that, when present in vapor produced by e-cigarettes, must be reported
34 to the department under subsection (b) of said section 307D of said chapter 94.

35 SECTION 3. Section 1 shall take effect 180 days after the passage of this act.