

113TH CONGRESS
2D SESSION

H. R. 5486

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

SEPTEMBER 16, 2014

Ms. ESTY (for herself, Ms. KAPTUR, Mr. HOLT, Mr. HONDA, Mr. THOMPSON of California, Ms. DELAURO, Mr. HINOJOSA, Ms. WASSERMAN SCHULTZ, Ms. SHEA-PORTER, Mr. CICILLINE, Ms. CLARK of Massachusetts, Mr. LOWENTHAL, Ms. MATSUI, Mr. ELLISON, and Mr. DEUTCH) introduced the following bill; which was referred to the Committee on Energy and Commerce

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.

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 2014”.

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

3 (a) DEFINITIONS.—In this section:

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

6 (2) LIQUID NICOTINE CONTAINER.—The term
7 “liquid nicotine container” means a consumer prod-
8 uct, as defined in section 3(a)(5) of the Consumer
9 Product Safety Act (15 U.S.C. 2052(a)(5)) notwith-
10 standing subparagraph (B) of such section, that con-
11 sists of a container that—

12 (A) has an opening that is accessible
13 through normal and reasonably foreseeable use
14 by a consumer; and

15 (B) is used to hold liquid containing nico-
16 tine in any concentration.

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

21 (4) SPECIAL PACKAGING.—The term “special
22 packaging” has the meaning given such term in sec-
23 tion 2 of the Poison Prevention Packaging Act of
24 1970 (15 U.S.C. 1471).

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

1 (1) RULEMAKING.—

2 (A) IN GENERAL.—Notwithstanding sec-
3 tion 3(a)(5)(B) of the Consumer Product Safe-
4 ty Act (15 U.S.C. 2052(a)(5)(B)) or section
5 2(f)(2) of the Federal Hazardous Substances
6 Act (15 U.S.C. 1261(f)(2)), not later than 1
7 year after the date of the enactment of this Act,
8 the Commission shall promulgate a rule requir-
9 ing special packaging for liquid nicotine con-
10 tainers.

11 (B) AMENDMENTS.—The Commission may
12 promulgate such amendments to the rule pro-
13 mulgated under subparagraph (A) as the Com-
14 mission considers appropriate.

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

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

22 (A) Sections 7 and 9 of the Consumer
23 Product Safety Act (15 U.S.C. 2056 and
24 2058).

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

3 (C) Subsections (b) and (c) of section 3 of
4 the Poison Prevention Packaging Act of 1970
5 (15 U.S.C. 1472).

6 (4) SAVINGS CLAUSE.—Nothing in this section
7 shall be construed to limit or diminish the authority
8 of the Food and Drug Administration to regulate
9 the manufacture, marketing, sale, or distribution of
10 liquid nicotine, liquid nicotine containers, electronic
11 cigarettes, or similar products that contain or dis-
12 pense liquid nicotine.

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