

ENROLLED ACT NO. 79, HOUSE OF REPRESENTATIVES

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

AN ACT relating to nicotine products; requiring the department of health to provide educational material to adult tobacco consumers on the continuum of risk of tobacco products; requiring liquid nicotine products to be sold in child resistant packaging; establishing a penalty for failure to meet child resistant packaging standards and authorizing enforcement by the department of agriculture; providing definitions; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 35-7-1801 and 35-7-1802 are created to read:

ARTICLE 18
VAPOR PRODUCT SAFETY

35-7-1801. Definitions.

(a) As used in this article:

(i) "Child resistant packaging" means packaging that meets the standards set forth in 16 C.F.R. 1700.15(b), as amended as of July 1, 2015, when tested in accordance with the method described in 16 C.F.R. 1700.20, as amended as of July 1, 2015;

(ii) "Liquid nicotine container" means a bottle or other container of a liquid or other substance containing nicotine where the liquid or substance is sold, marketed or intended for use in a vapor product. A liquid nicotine container shall not include a liquid or other substance containing nicotine in a cartridge that is sold, marketed or intended for use in a vapor product provided

ORIGINAL HOUSE
BILL NO. HB0174

ENROLLED ACT NO. 79, HOUSE OF REPRESENTATIVES

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

that the cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer;

(iii) "Vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device, including any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor product" does not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act.

35-7-1802. Child resistant packaging required.

(a) Any liquid nicotine container sold to consumers in this state shall be sold in child resistant packaging.

(b) Any person who sells a liquid nicotine container in violation of subsection (a) of this section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00) for the first violation and by a fine of not more than one thousand five hundred dollars (\$1,500.00) for each subsequent violation.

(c) This article shall be enforced by the consumer health services division of the department of agriculture.

ORIGINAL HOUSE
BILL NO. HB0174

ENROLLED ACT NO. 79, HOUSE OF REPRESENTATIVES

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

The division's inspection or enforcement duties under this subsection may be performed by a county or local department of health with which the division has a memorandum of understanding for inspections.

Section 2. W.S. 9-4-1204(a) and by creating a new subsection (k) is amended to read:

9-4-1204. Tobacco settlement funds; reduction of tobacco use.

(a) Using a science and experience based approach, the department of health shall develop and implement comprehensive tobacco prevention, cessation and treatment programs for Wyoming. During the initial years, These programs shall include peer reviewed science based educational materials on tobacco harm reduction and the comparative risks of alternative nicotine products, vapor products, smokeless tobacco products, cigarettes and other combustible tobacco products. The program should be tailored to provide the most cost effective reduction of tobacco related problems based on available funds for each year.

(k) As used in this section:

(i) "Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. "Alternative nicotine product," does not include any vapor product, tobacco product, cigarettes, smokeless tobacco product or any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act;

ORIGINAL HOUSE
BILL NO. HB0174

ENROLLED ACT NO. 79, HOUSE OF REPRESENTATIVES

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

(ii) "Smokeless tobacco product" means any tobacco product that consists of cut, ground, powdered or leaf tobacco that is intended to be placed in the oral or nasal cavity;

(iii) "Tobacco product" means any product that contains tobacco and is intended for human consumption, but not including an alternative nicotine product or vapor product;

(iv) "Vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device including any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor product" does not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act.

ORIGINAL HOUSE
BILL NO. HB0174

ENROLLED ACT NO. 79, HOUSE OF REPRESENTATIVES

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

Section 3. This act is effective July 1, 2015.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk