

HOUSE No. 1975

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 requiring child-resistant packaging of nicotine liquid containers.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|--------------------------------|--------------------------------------|
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> |
| <i>Harriette L. Chandler</i> | <i>First Worcester</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> |
| <i>Jennifer E. Benson</i> | <i>37th Middlesex</i> |
| <i>William N. Brownsberger</i> | <i>Second Suffolk and Middlesex</i> |
| <i>James M. Cantwell</i> | <i>4th Plymouth</i> |
| <i>Josh S. Cutler</i> | <i>6th Plymouth</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>Lori A. Ehrlich</i> | <i>8th Essex</i> |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> |
| <i>Danielle W. Gregoire</i> | <i>4th Middlesex</i> |
| <i>Brian A. Joyce</i> | <i>Norfolk, Bristol and Plymouth</i> |
| <i>John F. Keenan</i> | <i>Norfolk and Plymouth</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> |

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| <i>Paul McMurtry</i> | <i>11th Norfolk</i> |
| <i>James R. Miceli</i> | <i>19th Middlesex</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |
| <i>John W. Scibak</i> | <i>2nd Hampshire</i> |
| <i>Ellen Story</i> | <i>3rd Hampshire</i> |
| <i>Timothy J. Toomey, Jr.</i> | <i>26th Middlesex</i> |
| <i>Chris Walsh</i> | <i>6th Middlesex</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> |
| <i>Barbara A. L'Italien</i> | <i>Second Essex and Middlesex</i> |

HOUSE No. 1975

By Mr. Hecht of Watertown, a petition (accompanied by bill, House, No. 1975) of Jonathan Hecht and others relative to requiring child-resistant packaging of nicotine liquid containers. Public Health.

The Commonwealth of Massachusetts

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

An Act requiring child-resistant packaging of nicotine liquid containers.

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 270 of the General Laws is hereby amended by inserting after
2 section 26 the following section:-

3 Section 27.

4 (a) As used in this section, the following terms shall have the following meanings:

5 (1) "Child-resistant packaging" is defined as set forth in Code of Federal Regulations,
6 title 16, section 1700.15(b)(1), as in effect on January 1, 2015, when tested in accordance with
7 the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on
8 January 1, 2015.

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

12 (3) “Nicotine liquid container” means a bottle or other container of a liquid or gel
13 substance containing nicotine which is sold, marketed, or intended for use in an e-cigarette. The
14 term does not include a container of a liquid or gel substance containing nicotine that is sold,
15 marketed, or intended for use in an e-cigarette if the container is prefilled and sealed by the
16 manufacturer and not intended to be opened by the consumer.

17 (b) No person shall import for sale, distribute, or sell within the commonwealth:

18 (1) any liquid or gel substance containing nicotine unless that product is contained in
19 child-resistant packaging; or

20 (2) any nicotine liquid container unless that container constitutes child-resistant
21 packaging.

22 (c) Any person who violates this section shall be subject to a civil penalty of \$250 for a
23 first violation, \$500 for a second violation, and \$1,000 for a third or subsequent violation.

24 (d) The local board of health, the department of public health, the local inspection
25 department or the equivalent, and a municipal government or its agent shall enforce this section
26 through noncriminal disposition. In addition, in the city of Boston, the commissioner of health
27 and his authorized agents shall enforce this section through noncriminal disposition. The
28 disposition of fines assessed under this section shall be subject to section 188 of chapter 111.
29 Fines assessed by the commonwealth or its agent shall be subject to section 2 of chapter 29.