

HOUSE No. 835

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 liquid nicotine containers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/19/2017</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/30/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/31/2017</i>
<i>Daniel Cullinane</i>	<i>12th Suffolk</i>	<i>2/2/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/2/2017</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/25/2017</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/30/2017</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>1/31/2017</i>

HOUSE No. 835

By Mr. Hecht of Watertown, a petition (accompanied by bill, House, No. 835) of Jonathan Hecht and others relative to defining child-resistant packaging of liquid nicotine containers and establishing civil penalties for violations. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act requiring child-resistant packaging of liquid nicotine 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 words shall have the following meanings
5 unless the context clearly requires otherwise:

6 “Child-resistant packaging”, packaging intended to reduce the risk of children ingesting
7 nicotine that meets the minimum standards as set forth in 15 U.S.C. §§ 1471 to 1476, inclusive,
8 and 16 CFR § 1700 et seq.

9 “Liquid nicotine container”, a package: (i) from which nicotine in a solution or other
10 form is accessible through normal and foreseeable use by a consumer; and (ii) that is used to
11 hold soluble nicotine in any concentration; provided, however, that the term “liquid nicotine

12 container” shall not include a sealed, prefilled and disposable container of nicotine in a solution
13 or other form in which such container is inserted directly into an electronic cigarette, electronic
14 nicotine delivery system or other similar product if the nicotine in the container is inaccessible
15 through customary or reasonably foreseeable handling or use, including reasonably foreseeable
16 ingestion or other contact by children, as amended from time to time.

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

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

20 (ii) a nicotine liquid container unless that container includes child-resistant packaging
21 as part of its design.

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

24 (d) The local board of health, the local department of public health, the local inspection
25 department or equivalent local authority or its agent shall enforce this section through the
26 noncriminal disposition of violations. In the city of Boston, the commissioner of health and the
27 commissioner’s authorized agents shall enforce this section through the noncriminal disposition
28 of violations.