

Bill Nelson

AMENDMENT NO. _____ Calendar No. _____

Purpose: To make multiple changes in the bill as introduced.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. 142

To require the Consumer Product Safety Commission to promulgate a rule to require child safety packaging for liquid nicotine containers, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. NELSON

Viz:

1 Beginning on page 1, strike line 6 and all that follows
2 through page 4, line 15, and insert the following:

3 **SEC. 2. CHILD SAFETY PACKAGING FOR LIQUID NICOTINE**
4 **CONTAINERS.**

5 (a) DEFINITIONS.—In this section:

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

8 (2) LIQUID NICOTINE CONTAINER.—

9 (A) IN GENERAL.—The term “liquid nico-
10 tine container” means a consumer product, as
11 defined in section 3(a)(5) of the Consumer
12 Product Safety Act (15 U.S.C. 2052(a)(5)) not-

1 withstanding subparagraph (B) of such section,
2 that consists of a container that—

3 (i) has an opening from which nico-
4 tine in a solution or other form is acces-
5 sible and can flow freely through normal
6 and foreseeable use by a consumer; and

7 (ii) is used to hold soluble nicotine in
8 any concentration.

9 (B) EXCLUSIONS.—The term “liquid nico-
10 tine container” does not include nicotine in a
11 solution or other form in a sealed, pre-filled,
12 disposable container inserted directly into an
13 electronic cigarette or other similar device, so
14 long as the nicotine in the container is inacces-
15 sible or cannot flow freely out of such container
16 or electronic cigarette or other similar device
17 through normal and foreseeable use by a con-
18 sumer.

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

23 (4) SPECIAL PACKAGING.—The term “special
24 packaging” has the meaning given such term in sec-

1 tion 2 of the Poison Prevention Packaging Act of
2 1970 (15 U.S.C. 1471).

3 (b) REQUIRED USE OF SPECIAL PACKAGING FOR
4 LIQUID NICOTINE CONTAINERS.—

5 (1) RULEMAKING.—

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

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

18 (2) EXPEDITED PROCESS.—The Commission
19 shall promulgate the rule under paragraph (1) in ac-
20 cordance with section 553 of title 5, United States
21 Code.

22 (3) INAPPLICABILITY OF CERTAIN RULEMAKING
23 REQUIREMENTS.—The following provisions shall not
24 apply to a rulemaking under paragraph (1):

1 (A) Sections 7 and 9 of the Consumer
2 Product Safety Act (15 U.S.C. 2056 and
3 2058).

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

6 (C) Subsections (b) and (c) of section 3 of
7 the Poison Prevention Packaging Act of 1970
8 (15 U.S.C. 1472).

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

16 (5) ENFORCEMENT.—A rule promulgated under
17 paragraph (1) shall be treated as a standard appli-
18 cable to a household substance established under
19 section 3(a) of the Poison Prevention Packaging Act
20 of 1970 (15 U.S.C. 1472(a)).

21 (c) REPORTING REQUIREMENTS.—Not later than 3
22 years after the date of enactment of this Act, the Commis-
23 sion shall submit to the Committee on Commerce, Science,
24 and Transportation of the Senate and the Committee on
25 Energy and Commerce of the House of Representatives

- 1 a report detailing the rule and requirements promulgated
- 2 under this Act and any enforcement actions taken there-
- 3 under.