

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 286
Health Care Committee Substitute Adopted 4/21/15
Third Edition Engrossed 4/22/15

Short Title: Regulate the Sale of E-Liquid Containers.

(Public)

Sponsors:

Referred to:

March 16, 2015

1 A BILL TO BE ENTITLED
2 AN ACT PROHIBITING THE SALE OF E-LIQUID CONTAINERS WITHOUT
3 CHILD-RESISTANT PACKAGING AND WITHOUT LABELING E-LIQUID
4 CONTAINERS THAT CONTAIN NICOTINE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 52 of Chapter 14 of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 14-401.18A. Sale of certain e-liquid containers prohibited.**

9 (a) The following definitions apply in this section:

10 (1) Child-resistant packaging. – Packaging that is designed or constructed to be
11 significantly difficult for children under five years of age to open or obtain a
12 toxic or harmful amount of the substance contained therein within a
13 reasonable time and not difficult for adults to use properly, but does not
14 mean packaging which all such children cannot open or obtain a toxic or
15 harmful amount within a reasonable time.

16 (2) E-liquid. – A liquid product, whether or not it contains nicotine, that is
17 intended to be vaporized and inhaled using a vapor product.

18 (3) E-liquid container. – A bottle or other container of e-liquid. The term does
19 not include a container holding liquid that is intended for use in a vapor
20 product if the container is pre-filled and sealed by the manufacturer and is
21 not intended to be opened by the consumer.

22 (4) Vapor product. – Any noncombustible product that employs a mechanical
23 heating element, battery, or electronic circuit regardless of shape or size and
24 that can be used to heat a liquid solution contained in a vapor cartridge. The
25 term includes an electronic cigarette, electronic cigar, electronic cigarillo,
26 and electronic pipe.

27 (b) It shall be unlawful for any person, firm, or corporation to sell, offer for sale, or
28 introduce into commerce in this State an e-liquid container unless the container constitutes
29 child-resistant packaging. Any person who violates this section is guilty of a Class A1
30 misdemeanor.

31 (c) It shall be unlawful for any person, firm, or corporation to sell, offer for sale, or
32 introduce into commerce in this State an e-liquid container for an e-liquid product containing
33 nicotine unless the packaging for the e-liquid product states that the product contains nicotine.
34 Any person who violates this section is guilty of a Class A1 misdemeanor.



1 (d) Any person, firm, or corporation that violates the provisions of this section shall be
2 liable in damages to any person injured as a result of the violation."

3 **SECTION 2.** This act becomes effective December 1, 2015, and applies to
4 offenses committed on or after that date.