

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS45098-MG-2B (11/10)

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

Sponsors: Senators Bingham and D. Davis (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT PROHIBITING THE SALE OF E-LIQUID CONTAINERS WITHOUT
3 CHILD-RESISTANT PACKAGING AND SAFETY WARNING LABELS.

4 The General Assembly of North Carolina enacts:

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

7 "**§ 14-401.18A. Sale of certain e-liquid containers prohibited.**

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

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

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

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

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

26 (b) It shall be unlawful for any person, firm, or corporation to sell, offer for sale, or
27 introduce into commerce in this State an e-liquid container unless the container meets all of the
28 following requirements:

29 (1) Constitutes child-resistant packaging.

30 (2) Is labeled with safety warnings consistent with rules adopted by the North
31 Carolina Commission for Public Health.

32 (c) Any person, firm, or corporation that violates the provisions of this section shall be
33 liable in damages to any person injured as a result of the violation and also shall be guilty of a
34 Class A1 misdemeanor."

35 SECTION 2. G.S. 130A-29(c) is amended by adding a new subdivision to read:



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1 "(12) Establishing standards for safety warnings to be included on labels for
2 e-liquid containers as defined in G.S. 14-401.18A."
3 **SECTION 3.** This act becomes effective December 1, 2015, and applies to
4 offenses committed on or after that date.