

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 286
Health Care Committee Substitute Adopted 4/21/15

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.

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 adults to use properly, but does not
13 mean packaging 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 liquid that is intended for use in a vapor
19 product if the container is pre-filled and sealed by the manufacturer and is
20 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 constitutes
28 child-resistant packaging. Any person who violates this section is guilty of a Class A1
29 misdemeanor.

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

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

