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 pro-
mulgate 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

CONTAINERS.

5 (a) DEFINITIONS.—In this section:

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

8 (2) LIQUID NICOTINE CONTAINER.—

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

(i) has an opening from which nicotine in a solution or other form is accessible and can flow freely through normal and foreseeable use by a consumer; and

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

(B) EXCLUSIONS.—The term “liquid nicotine container” does not include nicotine in a solution or other form in a sealed, pre-filled, disposable container inserted directly into an electronic cigarette or other similar device, so long as the nicotine in the container is inaccessible or cannot flow freely out of such container or electronic cigarette or other similar device through normal and foreseeable use by a consumer.

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

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

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

(1) RULEMAKING.—


(B) AMENDMENTS.—The Commission may promulgate such amendments to the rule promulgated under subparagraph (A) as the Commission considers appropriate.

(2) EXPEDITED PROCESS.—The Commission shall promulgate the rule under paragraph (1) in accordance with section 553 of title 5, United States Code.

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


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

(4) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit or diminish the authority of the Food and Drug Administration to regulate the manufacture, marketing, sale, or distribution of liquid nicotine, liquid nicotine containers, electronic cigarettes, or similar products that contain or dispense liquid nicotine.

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

(c) REPORTING REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives
a report detailing the rule and requirements promulgated under this Act and any enforcement actions taken thereunder.