

1 moves to amend H.F. No. 2402, the first engrossment, as follows:

2 Page 137, after line 24, strike Section 37 and insert in lieu thereof the following:

3 “Sec. 37. Minnesota Statutes 2012, chapter 461, is amended to add the following section
4 461.20:

5 **461.20 SALE OF ELECTRONIC DELIVERY DEVICE; PACKAGING.**

6 **Subdivision 1. Liquid Nicotine Containers.** Any liquid nicotine container that is sold at
7 retail in this state must satisfy the child-resistant effectiveness standards set forth in 16 C.F.R.
8 § 1700.15(b)(1), as in effect on the effective date of this act, when tested in accordance with the
9 method described in 16 C.F.R. § 1700.20, as in effect on the effective date of this act.

10 **Subd. 2. Definitions.** For the purposes of this section, “nicotine liquid container” shall
11 mean a bottle or other container ~~that contains of~~ a nicotine liquid ~~or other substance containing~~
12 ~~nicotine that is where the liquid or substance is used~~ sold, marketed, or intended for use in ~~to~~
13 ~~refill~~ an electronic delivery device. ~~The requirement in Subdivision 1 of this section shall not~~
14 ~~apply to a~~ A “nicotine liquid container” shall not include ~~that contains of~~ a nicotine liquid ~~or other~~
15 ~~substance containing nicotine that is sold~~ in a ~~prefilled, sealed~~ cartridge that is sold, marketed, or
16 ~~intended for use in an electronic delivery device, provided that such cartridge is prefilled and~~
17 ~~sealed by the manufacturer, and not intended to be opened by the consumer.~~

18 **Subd. 3. Penalties.** Any person that engages in retail sales of liquid nicotine containers
19 in violation of this section is subject to administrative penalties under section 461.12, subdivision
20 2.

21 **Subd. 4. Preemption.** Upon the effective date of the final regulations issued pursuant to
22 21 U.S.C. § 387a(b) that expand the United States Food and Drug Administration’s authority to
23 include the regulation of electronic delivery devices, the provisions of this section shall be null,
24 void and of no force and effect, provided that such final regulations include provisions
25 mandating child-resistant effectiveness standards for liquid nicotine containers.”

26 Renumber the sections in sequence and correct the internal references.

27 Amend the title accordingly.