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H.59

Introduced by Representatives Komline of Dorset, Clarkson of Woodstock,
Krowinski of Burlington, Poirier of Barre City, and Till of
Jericho

Referred to Committee on

Date:

Subject: Health; tobacco; liquid nicotine

Statement of purpose of bill as introduced: This bill proposes to ban the sale of
liquid nicotine in a flavor other than menthol in Vermont.

An act relating to banning the sale of flavored liquid nicotine

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 7 V.S.A. § 1012 is amended to read:

§ 1012. LIQUID NICOTINE; PACKAGING

(a) No person shall manufacture, regardless of location, for sale in; offer
for sale in; sell in or into the stream of commerce in; or otherwise introduce
into the stream of commerce in Vermont any liquid or gel substance containing
nicotine in any flavor other than menthol.

(b) Unless specifically preempted by federal law, no person shall
manufacture, regardless of location, for sale in; offer for sale in; sell in or into

1 the stream of commerce in; or otherwise introduce into the stream of
2 commerce in Vermont:

3 (1) any menthol-flavored liquid or gel substance containing nicotine
4 unless that product is contained in child-resistant packaging; or

5 (2) any nicotine liquid container unless that container constitutes
6 child-resistant packaging.

7 (b) As used in this section:

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

14 (2) "Nicotine liquid container" means a bottle or other container of a
15 nicotine liquid or other substance containing nicotine which is sold, marketed,
16 or intended for use in a tobacco substitute. The term does not include a
17 container containing nicotine in a cartridge that is sold, marketed, or intended
18 for use in a tobacco substitute if the cartridge is prefilled and sealed by the
19 manufacturer and not intended to be opened by the consumer.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on January 1, 2016.