SB 105 - AS AMENDED BY THE SENATE

03/19/2015 1061s

2015 SESSION

15-0203 01/09

SENATE BILL 105

AN ACT relative to child-resistant packaging for tobacco products and establishing a

committee to study revising the indoor smoking act.

SPONSORS: Sen. Pierce, Dist 5

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill requires child-resistant packaging of certain products containing nicotine.

This bill also establishes a study committee to study revising the indoor smoking act.

Explanation: Matter added to current law appears in *bold italics*.

Matter removed from current law appears [in brackets and struckthrough.]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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15-0203 01/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT

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relative to child-resistant packaging for tobacco products and establishing a committee to study revising the indoor smoking act.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Youth Access to Tobacco Products; Child Resistant Packaging; Definitions. Amend RSA 126-

- K:2, I to read as follows:
 I. "Child-resistant packaging" means any nicotine liquid container that is sold at
 retail in this state that satisfies the child-resistant effectiveness standards set forth in 16
 C.F.R. section 1700.15(b), as in effect on the effective date of this paragraph, when tested in
- 6 accordance with the method described in 16 C.F.R. section 1700.20, as in effect on the effective date of this paragraph.
 - *I-a*. "Cigarette" means any roll for smoking made wholly or in part of tobacco, and wrapped in any material except tobacco.
 - 2 New Paragraph; Youth Access to Tobacco Products; Definitions. Amend RSA 126-K:2 by inserting after paragraph V the following new paragraph:
 - V-a. "Nicotine liquid container" means a bottle or other container of nicotine liquid or other substance containing nicotine that is sold, marketed, or intended for use in a vapor product. "Nicotine liquid container" shall not include liquid nicotine in a cartridge that is sold, marketed, or intended for use in an electronic nicotine delivery system or electronic system, provided that such cartridge is prefilled and sealed by the manufacturer, and not intended to be opened by the consumer.
 - 3 New Subdivision; Youth Access to Tobacco Products; Child Resistant Packaging. Amend RSA 126-K by inserting after section 19 the following new subdivision:
 - Child-Resistant Packaging
- 21 126-K:20 Child- Resistant Packaging.
 - I. No person shall manufacture, sell, or otherwise introduce in New Hampshire any nicotine liquid container unless that container constitutes child-resistant packaging.
 - II. Any person that engages in retail sales of nicotine liquid containers in violation of this subdivision is guilty of a class A misdemeanor.
- 4 Applicability. The provisions of RSA 126-K:20 as inserted by section 3 of this act shall be null, void and of no force and effect, upon the effective date of the final regulation issued by the United States Food and Drug Administration or from any other federal agency, where such regulation mandates child-resistant effectiveness standards for liquid nicotine containers as certified by the

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- 1 commissioner of the department of health and human services to the secretary of state and the 2 director of legislative services.
- 5 Committee Established. There is established a committee to study revising the indoor smoking act.
 - 6 Membership and Compensation.
 - I. The members of the committee shall be as follows:
 - (a) Two members of the senate who shall be members of the senate health and human services committee, appointed by the president of the senate.
 - (b) Three members of the house of representatives who shall be members of the house health, human services and elderly affairs committee, appointed by the speaker of the house of representatives.
 - II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.
- 14 7 Duties.

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- I. The committee shall study revising the indoor smoking act including, but not limited to, adding e-cigarettes to the scope of the indoor smoking act and aligning current state law and regulations to current scientific and evidence-based research and findings to promote the protection of New Hampshire's citizens from the deleterious effects of second-hand smoke in places accessible to the public. The committee shall study any other issue that the committee deems relevant to its objective.
- II. The committee shall solicit the advice or testimony of the department of health and human services, division of public health services and any organization or individual with information or expertise relevant to its study.
- 8 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.
- 9 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2015.
- 10 Effective Date.
- 32 I. Sections 1-4 of this act shall take effect January 1, 2016.
- 33 II. The remainder of this act shall take effect upon its passage.