

February 11, 2015

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1186

Page 1, line 1, after "Act" insert "to create and enact section 12.1-31-03.2 of the North Dakota Century Code, relating to child-resistant packaging for liquid nicotine containers;"

Page 1, line 3, replace "vapor products" with "electronic smoking devices"

Page 1, line 3, remove the second "and"

Page 1, line 4, after "penalty" insert "; and to provide an expiration date"

Page 1, line 8, replace "**vapor products**" with "**electronic smoking devices**"

Page 1, line 12, replace "vapor products" with "electronic smoking devices"

Page 1, line 17, replace "vapor products" with "electronic smoking devices"

Page 1, line 24, replace "vapor products" with "electronic smoking devices"

Page 2, line 1, remove "vapor"

Page 2, line 2, replace the first "products" with "electronic smoking devices"

Page 2, line 5, replace "vapor products" with "electronic smoking devices"

Page 2, line 6, replace "vapor products" with "electronic smoking devices"

Page 2, line 13, replace "vapor products" with "electronic smoking devices"

Page 2, line 15, replace "vapor products" with "electronic smoking devices"

Page 2, line 15, remove the second "vapor"

Page 2, line 16, replace the first "products" with "electronic smoking devices"

Page 3, line 28, replace "vapor product" with "electronic smoking device"

Page 4, line 1, after "b." insert "\"Electronic smoking device\" means any electronic product that delivers nicotine or other substances to the individual inhaling from the device, including, an electronic cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of such a product, whether or not sold separately. Electronic smoking device does not include drugs, devices, or combination products approved for sale by the United States food and drug administration, as those terms are defined in the federal Food, Drug and Cosmetic Act [52 Stat. 1040; 21 U.S.C. 301 et seq.].

c."

Page 4, line 3, replace "vapor products" with "electronic smoking devices"

Page 4, line 8, replace "c." with "d."

Page 4, line 11, replace "vapor products" with "electronic smoking devices"

Page 4, replace lines 15 through 25 with:

"e. "Vending machine" means a machine, appliance, or other mechanical device operated by currency, token, debit card, credit card, or other means of payment that is designed or used for vending purposes, including machines or devices that use remote control locking mechanisms."

Page 5, line 1, replace "vapor products" with "electronic smoking devices"

Page 5, line 8, replace "vapor products" with "electronic smoking devices"

Page 5, line 12, replace "vapor products" with "electronic smoking devices"

Page 5, line 15, replace ""vapor products"" with ""electronic smoking devices""

Page 5, after line 16, insert:

**"SECTION 3.** Section 12.1-31-03.2 of the North Dakota Century Code is created and enacted as follows:

**12.1-31-03.2. (Contingent expiration date - See note) Child-resistant packaging for liquid nicotine containers.**

1. Any nicotine liquid container that is sold at retail in this state must satisfy the child-resistant effectiveness standards set forth in title 16, CFR, part 1700, section 15(b)(1), when tested in accordance with the method described in title 16, CFR, part 1700, section 20.
2. As used in this section, "nicotine liquid container" means a bottle or other container of a liquid or other substance containing nicotine in which the liquid or substance is sold, marketed, or intended for use in an electronic smoking device. The term does not include a liquid or other substance containing nicotine in a cartridge that is sold, marketed, or intended for use in an electronic smoking device, provided that the cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.
3. Any person that engages in retail sales of liquid nicotine containers in violation of this section is subject to a civil penalty of not more than five hundred dollars for each separate violation of this section, to be recovered by any enforcement authority designated by the city or political subdivision in which the violation occurred."

Page 5, line 30, replace "vapor products" with "electronic smoking devices"

Page 6, line 2, replace ""vapor products"" with ""electronic smoking devices""

Page 6, line 6, replace "**vapor products**" with "**electronic smoking devices**"

Page 7, line 23, replace "vapor products" with "electronic smoking devices"

Page 7, line 24, replace "a vapor product" with "an electronic smoking device"

Page 7, line 25, replace "vapor products" with "electronic smoking devices"

Page 7, line 30, replace "vapor product" with "electronic smoking device"

Page 8, line 4, replace "vapor product" with "electronic smoking device"

Page 8, line 6, replace ""vapor products"" with ""electronic smoking devices""

Page 8, after line 7, insert:

**"SECTION 6. EXPIRATION DATE.** Section 3 of this Act is effective until the date the attorney general certifies to the legislative council that final regulations issued by the United States food and drug administration or another federal agency are in effect which mandate child-resistant effectiveness standards for liquid nicotine containers, and after that date is ineffective."

Renumber accordingly