HOUSE BILL NO. HB0174

Nicotine products regulation.

Sponsored by: Representative(s) Walters, Esquibel, K., Harvey and Zwonitzer, Dn. and Senator(s) Craft and Wasserburger

A BILL

for

AN ACT relating to nicotine products; requiring the department of health to provide educational material to adult tobacco consumers on the continuum of risk of tobacco products; requiring liquid nicotine products to be sold in child resistant packaging; establishing a penalty for failure to meet child resistant packaging standards and authorizing enforcement by the department of agriculture; providing definitions; prohibiting use of all tobacco products from schools, day cares and preschools; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 14-3-309 and 35-7-1801 and 35-7-1802 are created to read:
14-3-309. Use of tobacco products on school grounds prohibited.

Notwithstanding any other provision in this article, the use of tobacco products in any form in or on the grounds of any schools, licensed preschools or certified day care facilities shall be prohibited. For purposes of this section, "grounds" shall include, but not be limited to, any buildings, parking lots, playing fields, playgrounds, school buses or other school vehicles. As used in this section, "school" means any public or charter school where children attend classes in kindergarten programs or grades one (1) through twelve (12). "Licensed preschools" and "certified daycare facilities" means those defined in W.S. 14-4-101 through 14-4-117 during posted hours of operation.

ARTICLE 18
VAPOR PRODUCT SAFETY

35-7-1801. Definitions.

(a) As used in this article:
(i) "Child resistant packaging" means packaging that meets the standards set forth in 16 C.F.R. 1700.15(b), as amended as of July 1, 2015, when tested in accordance with the method described in 16 C.F.R. 1700.20, as amended as of July 1, 2015;

(ii) "E-liquid" means any liquid containing nicotine that can be used in a vapor product;

(iii) "Vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device, including any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor product" does not include any product
regulated as a drug or device by the United States food and
drug administration under subchapter V of the Food, Drug
and Cosmetic Act.

35-7-1802. Child resistant packaging required.

(a) All e-liquid sold to consumers in this state
shall be sold in child resistant packaging.

(b) Any container that is prefilled with e-liquid and
sealed by the manufacturer shall be deemed to meet the
requirement of subsection (a) of this section.

(c) Any person who sells e-liquid in violation of
subsection (a) of this section is guilty of a misdemeanor
and upon conviction shall be punished by a fine of not more
than seven hundred fifty dollars ($750.00) for the first
violation and by a fine of not more than one thousand five
hundred dollars ($1500.00) for each subsequent violation.

(d) This article shall be enforced by the consumer
health services division of the department of agriculture.
The division's inspection or enforcement duties under this
subsection may be performed by a county or local department of health with which the division has a memorandum of understanding for inspections.

Section 2. W.S. 9-4-1204(a) and by creating a new subsection (k) is amended to read:

9-4-1204. Tobacco settlement funds; reduction of tobacco use.

(a) Using a science and experience based approach, the department of health shall develop and implement comprehensive tobacco prevention, cessation and treatment programs for Wyoming. **During the initial years,** These programs shall include peer reviewed science based educational materials on tobacco harm reduction and the comparative risks of alternative nicotine products, vapor products, smokeless tobacco products, cigarettes and other combustible tobacco products. **The program should be tailored to provide the most cost effective reduction of tobacco related problems based on available funds for each year.**
(k) As used in this section:

(i) "Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. "Alternative nicotine product," does not include any vapor product, tobacco product, cigarettes, smokeless tobacco product or any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act;

(ii) "Smokeless tobacco product" means any tobacco product that consists of cut, ground, powdered or leaf tobacco that is intended to be placed in the oral or nasal cavity;

(iii) "Tobacco product" means any product that contains tobacco and is intended for human consumption, but not including an alternative nicotine product or vapor product;
(iv) "Vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device including any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor product" does not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act.

Section 3. This act is effective July 1, 2015.