

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

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

11

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

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14 **Section 1.** W.S. 14-3-309 and 35-7-1801 and 35-7-1802  
15 are created to read:

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2           **14-3-309. Use of tobacco products on school grounds**  
3 **prohibited.**

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5 Notwithstanding any other provision in this article, the  
6 use of tobacco products in any form in or on the grounds of  
7 any schools, licensed preschools or certified day care  
8 facilities shall be prohibited. For purposes of this  
9 section, "grounds" shall include, but not be limited to,  
10 any buildings, parking lots, playing fields, playgrounds,  
11 school buses or other school vehicles. As used in this  
12 section, "school" means any public or charter school where  
13 children attend classes in kindergarten programs or grades  
14 one (1) through twelve (12). "Licensed preschools" and  
15 "certified daycare facilities" means those defined in W.S.  
16 14-4-101 through 14-4-117 during posted hours of operation.

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18

## ARTICLE 18

19

## VAPOR PRODUCT SAFETY

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**35-7-1801. Definitions.**

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(a) As used in this article:

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2 (i) "Child resistant packaging" means packaging  
3 that meets the standards set forth in 16 C.F.R. 1700.15(b),  
4 as amended as of July 1, 2015, when tested in accordance  
5 with the method described in 16 C.F.R. 1700.20, as amended  
6 as of July 1, 2015;

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

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11 (iii) "Vapor product" means any noncombustible  
12 product containing nicotine that employs a heating element,  
13 power source, electronic circuit or other electronic,  
14 chemical or mechanical means, regardless of shape or size,  
15 that can be used to produce vapor from nicotine in a  
16 solution or other form. "Vapor product" includes any  
17 electronic cigarette, electronic cigar, electronic  
18 cigarillo, electronic pipe or similar product or device,  
19 including any vapor cartridge or other container of  
20 nicotine in a solution or other form that is intended to be  
21 used with or in an electronic cigarette, electronic cigar,  
22 electronic cigarillo, electronic pipe or similar product or  
23 device. "Vapor product" does not include any product

1 regulated as a drug or device by the United States food and  
2 drug administration under subchapter V of the Food, Drug  
3 and Cosmetic Act.

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5 **35-7-1802. Child resistant packaging required.**

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

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

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

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21 (d) This article shall be enforced by the consumer  
22 health services division of the department of agriculture.  
23 The division's inspection or enforcement duties under this

1 subsection may be performed by a county or local department  
2 of health with which the division has a memorandum of  
3 understanding for inspections.

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

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8 **9-4-1204. Tobacco settlement funds; reduction of**  
9 **tobacco use.**

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11 (a) Using a science and experience based approach,  
12 the department of health shall develop and implement  
13 comprehensive tobacco prevention, cessation and treatment  
14 programs for Wyoming. ~~During the initial years, These~~  
15 programs shall include peer reviewed science based  
16 educational materials on tobacco harm reduction and the  
17 comparative risks of alternative nicotine products, vapor  
18 products, smokeless tobacco products, cigarettes and other  
19 combustible tobacco products. The program should be  
20 tailored to provide the most cost effective reduction of  
21 tobacco related problems based on available funds for each  
22 year.

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1           (k) As used in this section:

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

12

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

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18           (iii) "Tobacco product" means any product that  
19 contains tobacco and is intended for human consumption, but  
20 not including an alternative nicotine product or vapor  
21 product;

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

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

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(END)