

[S. 142, Child Nicotine Poisoning Prevention Act of 2015](#)

FLOOR SITUATION

On Monday, January 11, 2016, the House will consider [S. 142](#), the Child Nicotine Poisoning Prevention Act of 2015, under suspension of the rules. The bill was introduced on January 8, 2015, by Sen. Bill Nelson (D-FL) and passed the Senate, as amended, by unanimous consent on December 10, 2015.

SUMMARY

S. 142 enables the Consumer Product Safety Commission (CPSC) to require child safety packaging for liquid nicotine containers.

BACKGROUND

Liquid nicotine is manufactured for use in electronic cigarettes (e-cigarettes) and can be highly toxic when exposed in high doses. According to reports, “ingestion or skin exposure to small amounts of such solutions, ranging from one teaspoon to a tablespoon based on body weight and skin morphology, carries with it the potential for serious toxicity or even death.”¹

Liquid nicotine comes in a variety of colors and flavors, like cotton candy, blueberry, and cherry, which can make them attractive to young children. The increased popularity of e-cigarettes in recent years has contributed to a large increase in liquid nicotine exposures. According to the American Association of Poison Control Centers (AAPCC), there were over 3,700 reported exposures to poison centers in 2014.² Many types of liquid nicotine containers are currently manufactured without childproof packaging.

“Under the Poison Prevention Packaging Act (PPPA), the CPSC has promulgated childproof packaging for numerous consumer products, including over-the-counter medication and household cleaning supplies. The CPSC currently lacks authority under the PPPA to require similar special packaging requirements for liquid nicotine because most liquid nicotine is derived from tobacco and

¹ See Forbes Article, [“The Real Dangers Of Liquid Nicotine.”](#) March 24, 2015.

² See AAPCC Website, [E-Cigarettes and Liquid Nicotine](#)

is, consequently, a “tobacco product,” which is exclusively regulated by the Food and Drug Administration (FDA).”³

According to the bill sponsor, “If we can prevent even one child’s death or keep one fewer child from falling ill, then we absolutely have a responsibility to do that. It’s simply common sense to make this potentially lethal product as difficult as possible for small children to get into.”⁴

COST

The Congressional Budget Office (CBO) [estimates](#) implementing S. 142 would cost about \$1 million over the 2016 to 2020 period. S. 142 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) because it would preempt state laws governing packaging for containers holding liquid nicotine. CBO estimates that the cost of the mandate would fall below the threshold established in UMRA for intergovernmental mandates (\$77 million in 2015, adjusted annually for inflation).

STAFF CONTACT

For questions or further information please contact [John Huston](#) with the House Republican Policy Committee by email or at 6-5539.

³ See [Senate Report 114-2](#) at 2.

⁴ See Sen. Bill Nelson Press Release, [“Nelson bill aimed at liquid nicotine clears major congressional hurdle.”](#) February 26, 2015.