

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 all tobacco products
9 from schools, day cares and preschools; and providing for
10 an effective date.

11

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

13

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

1

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

4

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

18

19 ARTICLE 18

20 VAPOR PRODUCT SAFETY

21

22 **35-7-1801. Definitions.**

23

1 (a) As used in this article:

2

3 (i) "Child resistant packaging" means packaging
4 that meets a standard sufficient to be regarded as "special
5 packaging" within the meaning of section 2(4) of the Poison
6 Prevention Packaging Act of 1970;

7

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

10

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.

9
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.

13
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.

20
21 (d) This article shall be enforced by the consumer
22 health services division of the department of
23 agriculture.

1

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

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5 **9-4-1204. Tobacco settlement funds; reduction of**
6 **tobacco use.**

7

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

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21 (k) As used in this section:

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

10
11 (ii) "Smokeless tobacco product" means any
12 tobacco product that consists of cut, ground, powdered or
13 leaf tobacco that is intended to be placed in the oral or
14 nasal cavity;

15
16 (iii) "Tobacco product" means any product that
17 contains tobacco and is intended for human consumption, but
18 not including an alternative nicotine product or vapor
19 product;

20
21 (iv) "Vapor product" means any noncombustible
22 product containing nicotine that employs a heating element,
23 power source, electronic circuit or other electronic,

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

14
15 **Section 3.** This act is effective July 1, 2015.

16
17 (END)