

FIFTY-SECOND LEGISLATURE  
FIRST SESSION, 2015

HB 42/a

March 14, 2015

Mr. President:

Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

**HOUSE BILL 42**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. Strike House Judiciary Committee Amendments 1, 2 and 3.
2. On page 1, line 12, after "PRODUCTS", strike the remainder of the line, strike lines 13 and 14 in their entirety and insert in lieu thereof ", E-CIGARETTE AND NICOTINE LIQUID CONTAINER ACT", TO PROHIBIT SALES OF E-CIGARETTES AND NICOTINE LIQUID CONTAINERS TO MINORS, TO REQUIRE NICOTINE LIQUID CONTAINERS TO BE SOLD IN CHILD-RESISTANT PACKAGING AND TO PROHIBIT THE ONLINE INTERNET SALE OF E-CIGARETTES AND NICOTINE LIQUID CONTAINERS TO A MINOR".
3. On page 1, line 21, strike "and" and insert in lieu in thereof a comma, and after "E-Cigarette", insert "and Nicotine Liquid Container".
4. On page 2, line 1, strike "and" and insert in lieu thereof a comma, and after "E-Cigarette", insert "and Nicotine Liquid Container".
5. On page 2, between lines 1 and 2, insert the following new subsection:

"A. "child-resistant" means a package or container that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but "child-resistant" does not mean a package or container that all such children cannot open or obtain a toxic or harmful amount within a reasonable time;".

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6. Reletter the succeeding subsections accordingly.
7. On page 2, line 11, strike "and" and insert in lieu thereof "but".
8. On page 2, between lines 11 and 12, insert the following new paragraph:

"(3) does not include any product regulated as a drug or device by the United States food and drug administration under the federal Food, Drug, and Cosmetic Act, 21 U.S.C. Section 301 et seq.;"
9. On page 2, line 13, strike the period and closing quotation mark and insert in lieu thereof "; and".
10. On page 2, between lines 13 and 14, insert the following new subsection:

"D. "nicotine liquid container" means a bottle or other container of any substance containing nicotine where the substance is sold, marketed or intended for use in an e-cigarette.""
11. On page 2, line 16, strike "AND" and insert in lieu thereof "PRODUCTS," and after "E-CIGARETTES", insert "AND NICOTINE LIQUID CONTAINERS".
12. On page 2, line 18, strike the second occurrence of "or" and insert in lieu thereof a comma and after "e-cigarette", insert "or a nicotine liquid container".
13. On page 2, line 21, strike "products or" and insert in lieu thereof "product," and after "e-cigarette", insert "or nicotine liquid container".
14. On page 2, line 24, after "product", strike "or" and insert in lieu thereof a comma and after "e-cigarette", insert "or a

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nicotine liquid container".

15. On page 2, line 25, strike the closing quotation mark and after line 25, insert the following new subsections:

"D. No person shall sell or offer to sell any nicotine liquid container at retail in this state unless such container is child-resistant.

E. The online internet sale of tobacco products, e-cigarettes or nicotine liquid containers to a minor in New Mexico is prohibited."".

16. On page 3, line 3, strike "OR" and insert in lieu thereof a comma.

17. On page 3, line 4, after "E-CIGARETTES", insert "OR NICOTINE LIQUID CONTAINERS".

18. On page 3, line 6, strike "or" and insert in lieu thereof a comma and after "e-cigarettes", insert "or nicotine liquid containers".

19. On page 3, line 14, strike the second occurrence of "or" and insert in lieu thereof a comma.

20. On page 3, line 15, after "cigarettes", insert "or nicotine liquid containers".

21. On page 3, line 19, strike "AND" and insert in lieu thereof a comma and after "E-CIGARETTES", insert "AND NICOTINE LIQUID CONTAINERS".

22. On page 3, line 22, after "products", insert a comma.

23. On page 3, line 23, strike "or" and after "e-cigarettes", insert "or nicotine liquid containers".

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24. On page 4, line 3, strike "or" and insert in lieu thereof a comma and after "e-cigarettes", insert "or nicotine liquid containers".

25. On page 4, line 7, strike "or" and insert in lieu thereof a comma and after "e-cigarettes", insert "and nicotine liquid containers".

26. On page 4, line 22, strike "OR" and insert in lieu thereof a comma.

27. On page 4, line 23, after "CIGARETTES", insert "OR NICOTINE LIQUID CONTAINERS".

28. On page 4, line 24, after "person", strike the remainder of the line and strike line 25 up to "shall".

29. On page 5, line 1, strike "or" and insert in lieu thereof a comma and after "e-cigarettes", insert "or nicotine liquid containers".

30. On page 5, line 13, strike "or" and insert in lieu thereof a comma and after "e-cigarettes", insert "or nicotine liquid containers".

31. On page 5, line 14, strike "or" and insert in lieu thereof a comma and after "e-cigarettes", insert "or nicotine liquid containers".

32. On page 5, line 15, strike "or" and insert in lieu thereof a comma and after "e-cigarettes", insert "or nicotine liquid container".

33. On page 5, line 18, strike "OR" and insert in lieu thereof ", AN" and after "E-CIGARETTE", insert "OR A NICOTINE LIQUID CONTAINER".

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34. On page 5, line 20, strike "OR" and insert in lieu thereof ", AN" and after "E-CIGARETTE", insert "OR A NICOTINE LIQUID CONTAINER".

35. On page 6, line 4, strike "or" and insert in lieu thereof a comma.

36. On page 6, line 5, after "cigarettes", insert "or nicotine liquid containers".

37. On page 6, line 6, strike "and" and insert in lieu thereof a comma and after "E-Cigarette", insert "and Nicotine Liquid Container".

38. On page 6, line 9, after "county", insert ", including a home rule municipality or urban county,".

39. On page 6, line 11, after "products", strike "or" and insert in lieu thereof a comma and after "e-cigarettes", insert "or nicotine liquid containers".

40. On page 6, line 12, after "Products", insert a comma.

41. On page 6, line 13, strike "and" and after "E-Cigarette", insert "and Nicotine Liquid Container".

42. On page 6, line 18, after "A", insert ", D or E".

43. On page 7, line 4, strike "and" and insert in lieu thereof a comma.

44. On page 7, line 5, after "Cigarette", insert "and Nicotine Liquid Container".

45. On page 7, line 7, strike "and" and insert in lieu thereof a comma and after "E-Cigarette", insert "and Nicotine Liquid Container".

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46. On page 7, line 13, before the comma, insert "and nicotine liquid containers".,

and thence referred to the **JUDICIARY COMMITTEE.**

Respectfully submitted,

\_\_\_\_\_  
Gerald Ortiz y Pino, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Griggs, Kernan, O'Neill

Absent: None

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