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HOUSE BILL 213

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Sarah Maestas Barnes

AN ACT

RELATING TO TRADE PRACTICES; REQUIRING THE USE OF CHILD-
RESISTANT PACKAGING FOR NICOTINE LIQUID; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. ~~[NEW MATERIAL]~~ CHILD-RESISTANT PACKAGING FOR
NICOTINE LIQUID.--

A. No person shall sell or offer for sale in this
state any nicotine liquid unless the nicotine liquid is
contained in child-resistant packaging.

B. The attorney general may institute a civil
action in district court for a violation of the provisions of
this section or to prevent a violation of the provisions of
this section. Relief may include a permanent or temporary
injunction, a restraining order or any other appropriate order,
including a civil penalty not to exceed one thousand dollars

underscored material = new
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1 (\$1,000) for each violation.

2 C. As used in this section:

3 (1) "child-resistant packaging" means
4 packaging that is designed or constructed to make it
5 significantly difficult for a child under five years of age to
6 open or obtain a toxic or harmful amount of the substance
7 contained therein;

8 (2) "electronic delivery device" means any
9 electronic device, whether composed of a heating element and
10 battery or an electronic circuit, that provides a vapor of
11 nicotine, the use or inhalation of which simulates smoking; and

12 (3) "nicotine liquid" means a liquid solution
13 containing nicotine in any concentration that is intended for
14 human consumption via an electronic delivery device.

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