The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 76

HOUSE BILL 213, as amended

Introduced by

REPRESENTATIVE SARAH MAESTAS BARNES

REPRESENTATIVES DAVID M. GALLEGOS, LARRY R. SCOTT, JAMES C. TOWSEND, SHARON CLAHCHISCHILLIAGE, JAMES E. SMITH, ALONZO BALDONADO, MATTHEW McQUEEN, CONRAD D. JAMES, PATRICIO R. RUILOBA, TIM D. LEWIS, PAUL A. PACHECO, NATE GENTRY, STEPHANIE MAEZ, ROD MONTOYA, CARL TRUJILLO, JEFF STEINBORN, DENNIS J. ROCH, DOREEN W. JOHNSON, DEBORAH A. ARMSTRONG AND KELLY K. FAJARDO
CHAPTER 76

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. CHILD-RESISTANT PACKAGING FOR NICOTINE LIQUID.--

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

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 ($1,000) for each violation.

C. As used in this section:

(1) "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 does not mean a package or container that all such children cannot open or obtain a toxic
or harmful amount within a reasonable time;

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

(3) "nicotine liquid container":

(a) means a bottle or container of a liquid or other substance containing nicotine where the liquid or substance is sold, marketed or intended for use in an electronic delivery device; but

(b) does not include a liquid or other substance containing nicotine in a cartridge that is sold, marketed or intended for use in a cartridge that is sold, marketed or intended for use in an electronic delivery device; provided that such cartridge is pre-filled and sealed by the manufacturer and is not intended to be opened by the consumer.
DON TRIPP, SPEAKER
HOUSE OF REPRESENTATIVES

DENISE RAMONAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES

JOHN A. SANCHEZ, PRESIDENT
SENATE

LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 8th day of April, 2015

SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO