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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3369

05/02/2014 Authored by Freiberg, Metsa, Simonson, Liebling and Halverson
The bill was read for the first time and referred to the Committee on Commerce and Consumer Protection Finance and Policy

1.1 A bill for an act
1.2 relating to health; requiring child-resistant packaging for electronic delivery
1.3 devices; proposing coding for new law in Minnesota Statutes, chapter 461.
1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[461.20] SALE OF ELECTRONIC DELIVERY DEVICE;**
1.6 **PACKAGING.**

1.7 (a) For purposes of this section, "electronic delivery device" means any product
1.8 containing or delivering nicotine, lobelia, or any other substance intended for human
1.9 consumption that can be used by a person to simulate smoking in the delivery of
1.10 nicotine or any other substance through inhalation of vapor from the product. Electronic
1.11 delivery device includes any component part of a product, whether or not marketed or
1.12 sold separately. Electronic delivery device does not include any product that has been
1.13 approved or certified by the United States Food and Drug Administration for sale as
1.14 a tobacco-cessation product, as a tobacco-dependence product, or for other medical
1.15 purposes, and is marketed and sold for such an approved purpose.

1.16 (b) The sale of any liquid, whether or not such liquid contains nicotine, that is
1.17 intended for human consumption and use in an electronic delivery device that is not
1.18 contained in packaging that is child-resistant is prohibited. All licensees under this chapter
1.19 must ensure that any liquid intended for human consumption and use in an electronic
1.20 delivery device is sold in child-resistant packaging.

1.21 (c) A licensee that fails to comply with this section is subject to administrative
1.22 penalties under section 461.12, subdivision 2.

1.23 **EFFECTIVE DATE.** This section is effective January 1, 2015.