

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 G. TOWNSEND,
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

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

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

6 SECTION 1. CHILD-RESISTANT PACKAGING FOR NICOTINE
7 LIQUID.--

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

11 B. The attorney general may institute a civil
12 action in district court for a violation of the provisions of
13 this section or to prevent a violation of the provisions of
14 this section. Relief may include a permanent or temporary
15 injunction, a restraining order or any other appropriate
16 order, including a civil penalty not to exceed one thousand
17 dollars (\$1,000) for each violation.

18 C. As used in this section:

19 (1) "child-resistant" means a package or
20 container that is designed or constructed to be significantly
21 difficult for children under five years of age to open or
22 obtain a toxic or harmful amount of the substance contained
23 therein within a reasonable time and not difficult for normal
24 adults to use properly, but does not mean a package or
25 container that all such children cannot open or obtain a toxic


1 or harmful amount within a reasonable time;


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

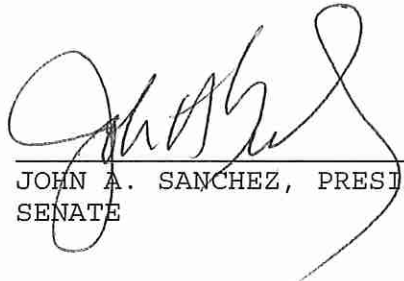
7 (3) "nicotine liquid container":

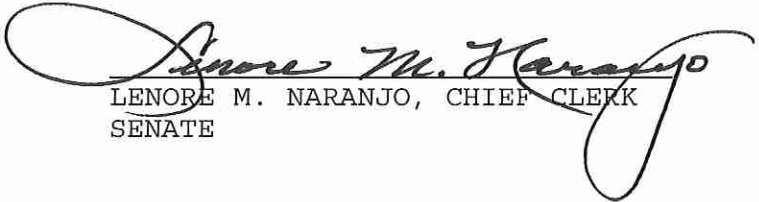
8 (a) means a bottle or container of a
9 liquid or other substance containing nicotine where the liquid
10 or substance is sold, marketed or intended for use in an
11 electronic delivery device; but

12 (b) does not include a liquid or other
13 substance containing nicotine in a cartridge that is sold,
14 marketed or intended for use in a cartridge that is sold,
15 marketed or intended for use in an electronic delivery device;
16 provided that such cartridge is pre-filled and sealed by the
17 manufacturer and is not intended to be opened by the consumer.

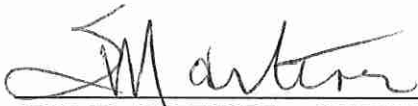

DON TRIPP, SPEAKER
HOUSE OF REPRESENTATIVES


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