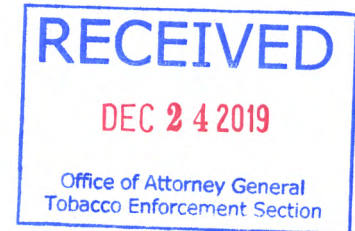




UNITED STATES  
CONSUMER PRODUCT SAFETY COMMISSION  
4330 EAST WEST HIGHWAY  
BETHESDA, MD 20814

December 19, 2019

Josh Shapiro  
Attorney General  
Pennsylvania Office of the Attorney General  
16th Floor - Strawberry Square  
Harrisburg, PA 17120



Re: Child Nicotine Poisoning Prevention Act

Dear Josh Shapiro:

The U.S. Consumer Product Safety Commission (CPSC) enforces the Child Nicotine Poisoning Prevention Act of 2015 (CNPPA), 15 U.S.C. § 1472a. The law requires any nicotine provided in a liquid nicotine container sold, offered for sale, manufactured for sale, distributed in commerce, or imported into the United States to be in "special packaging" as defined by the Poison Prevention Packaging Act (PPPA).

Delivered in high doses, nicotine can be lethal. Exposure to liquid nicotine found in e-cigarettes has resulted in thousands of calls to poison control centers in recent years. Small children who come into contact with even a small amount of highly-concentrated liquid nicotine can suffer serious injuries or death.

CPSC is actively enforcing the special packaging requirements of the CNPPA. As part of that enforcement, CPSC is working to ensure that vape shops and other retailers of liquid nicotine products are aware of their legal responsibilities under the Act. To that end, CPSC recently issued a press release warning such retailers about the requirements of the law, which is attached and available at the following link:  
<https://www.cpsc.gov/Newsroom/News-Releases/2020/Safety-Regulator-Warns-Vape-Shops-and-Other-Retailers-Selling-Liquid-Nicotine-without-Proper-Packaging-is-Against-Federal-Law> .

I would greatly appreciate your providing this information to injury prevention partners you work with in your state, urging them to disseminate it to retailers. Further, I urge you to inform consumers and public health officials in your state about the potential hazards associated with liquid nicotine exposure.

Thank you for your continuing efforts in our joint mission to protect consumers from unreasonable risk of injury or death from consumer products. If you have any questions regarding liquid nicotine and the CNPPA, please do not hesitate to contact me or our Director of Regulatory Enforcement, Jennifer Timian at 301-504-7503.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Kaye".

Robert S. Kaye  
Director  
Office of Compliance and Field Operations



United States  
CONSUMER PRODUCT SAFETY COMMISSION

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## Safety Regulator Warns Vape Shops and Other Retailers: Selling Liquid Nicotine without Proper Packaging is Against Federal Law

Release date: November 22, 2019

Release number: 20-030

### Release Details

*Washington, D.C.* --- The U.S. Consumer Product Safety Commission is the independent federal agency responsible for enforcing a key provision of the Child Nicotine Poisoning Prevention Act of 2015 (CNPPA), 15 U.S.C. § 1472a. That law requires any nicotine provided in a liquid nicotine container sold, offered for sale, manufactured for sale, distributed in commerce, or imported into the United States to be in “special packaging,” as defined by the Poison Prevention Packaging Act (PPPA). This packaging, in layman’s terms, must be designed to prevent children from accidentally accessing and ingesting liquid nicotine, and must restrict the flow of liquid nicotine under specific conditions.

Delivered in high doses, nicotine can be lethal. Exposure to liquid nicotine found in e-cigarettes has resulted in thousands of calls to poison control centers in recent years.

**Liquid nicotine poisoning can occur in three ways: by ingestion, inhalation, or absorption through the skin or eyes. For small children, coming into contact with even a small amount of a highly-concentrated liquid nicotine product can be fatal.**

**As a retailer of liquid nicotine containers, you are also responsible for ensuring that any liquid nicotine product you sell complies with the law.[1]**

The CPSC is actively enforcing the requirements of the CNPPA. The agency wants to ensure that retailers understand the requirements and are selling only containers that comply with the law. **You should check your stock to ensure that the liquid nicotine products you carry are safely packaged for your customers. If you sell any noncompliant product, you may be subject to legal action for doing so including civil penalties of up to \$110,000 for each violation, and \$16,025,000 for any related**

**series of violations. We are particularly concerned about reports that some stores are selling noncompliant products at a large discount, thereby implicitly acknowledging that they know that they are engaged in selling illegal products. If you have stocks of noncompliant products, you should remove them from inventory, quarantine them, and seek reimbursement from the manufacturer.** If you have concerns or questions about these requirements, call the Consumer Product Safety Commission toll-free hotline (800) 638-2772.

You should help inform consumers about the dangers of liquid nicotine poisoning by reminding customers:

1. Do not let children handle liquid nicotine containers or e-cigarettes.
2. Keep liquid nicotine in its original (child-resistant, flow-restricted) packaging, and make sure it is locked up and out of a child's sight and reach.
3. If a child comes into contact with liquid nicotine through the skin, eyes, or ingestion: immediately call a Poison Control Center at: 1-800-222-1222.

[1] The term "liquid nicotine container" is defined in CNPPA section 2(d)(2). For more details about these requirements, go to <https://www.cpsc.gov/Business--Manufacturing/Business-Education/Business-Guidance/Liquid-Nicotine-Packaging-Business-Guidance>.

The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of injury or death associated with the use of thousands of types of consumer products under the agency's jurisdiction. Deaths, injuries, and property damage from consumer product incidents cost the nation more than \$1 trillion annually. CPSC is committed to protecting consumers and families from products that pose a fire, electrical, chemical or mechanical hazard. CPSC's work to help ensure the safety of consumer products - such as toys, cribs, power tools, cigarette lighters and household chemicals — contributed to a decline in the rate of deaths and injuries associated with consumer products over the past 40 years.

Federal law bars any person from selling products subject to a publicly-announced voluntary recall by a manufacturer or a mandatory recall ordered by the Commission.

To report a dangerous product or a product-related injury go online to [www.SaferProducts.gov](http://www.SaferProducts.gov) or call CPSC's Hotline at 800-638-2772 or teletypewriter at 301-595-7054 for the hearing impaired. Consumers can obtain news release and recall information at [www.cpsc.gov](http://www.cpsc.gov), on Twitter @USCPSC or by subscribing to CPSC's free e-mail newsletters.

**Media Contact**

Please use the below phone number for all media requests.

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View CPSC contacts for specific areas of expertise