



**U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814**

**Liquid Nicotine Packaging Surveillance
Revised Guidance**

July 22, 2016

Dear Sir or Madam:

The Child Nicotine Poisoning Prevention Act of 2015 (CNPPA), Pub. L. No. 114-116, was enacted on January 28, 2016, requiring 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). Any liquid nicotine product covered by the CNPPA must be in special packaging that meets the standards in 16 C.F.R. § 1700.15, as determined through testing in accordance with the methods described in 16 C.F.R. § 1700.20.

In a previous letter, U.S. Consumer Product Safety Commission (CPSC) staff stated that this requirement applies to products packaged after the effective date of July 26, 2016. Upon further legal analysis, CPSC staff has determined that the CNPPA applies to existing inventory on its effective date. Thus, beginning on July 26, 2016, the sale of liquid nicotine in non-compliant containers is prohibited. The Consumer Product Safety Act (CPSA) requires manufacturers of consumer products subject to a regulation, standard, rule, or ban to certify that those products meet the requirements of the standard. Manufacturers, importers, packagers and repackagers of substances regulated under 16 C.F.R. part 1700 must meet the requirements of 16 C.F.R. § 1700.15 and certify compliance to those requirements. For more information on certification, please visit: www.cpsc.gov/GCC.

As part of the CPSC ongoing efforts to ensure that all importers, manufacturers, packagers, repackagers, and retailers are complying with the new regulations under the CNPPA, CPSC staff will be conducting retail and import surveillance operations to determine the level of compliance for individual firms after the effective date. The special packaging requirement applies to any firm that packages or repackages liquid nicotine for consumption in and around a household. Containers that render the liquid inaccessible (*e.g.*, pre-filled, disposable cartridges for e-cigarettes), and products that are meant to be consumed only at a vapory, are exempted from special packaging requirements of the CNPPA.

These special packaging requirements are in addition to requirements established by the U.S. Food and Drug Administration (FDA) in its final ruling issued on May 10, 2016. FDA’s rule deems various products (including e-cigarettes, hookahs, and other electronic nicotine delivery systems) that meet the definition of “tobacco product” to be subject to the Federal Food, Drug, and Cosmetic Act and the Family Smoking Prevention and Tobacco Control Act. For more details on FDA’s rule, please visit: <https://federalregister.gov/a/2016-10685>.

If you have any questions related to the CNPPA, please contact Stephen Lee by telephone at: 301-504-7844, or by email at: slee@cpsc.gov. We appreciate your continued cooperation and assistance.

Sincerely,

Mary F. Toro
Director of Regulatory Enforcement Division
Office of Compliance and Field Operations