

Department of Planning and Budget

2015 Fiscal Impact Statement

1. Bill Number: HB2036

House of Origin	<input type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input checked="" type="checkbox"/>	In Committee	<input checked="" type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: DeSteph

3. Committee: Courts of Justice

4. Title: Purchase of tobacco products by minors; vapor products; liquid nicotine packaging; civil penalty.

5. Summary: This bill provides that no person shall sell or distribute, or offer for retail sale or distribution, a liquid nicotine container on or after January 1, 2016, unless the liquid nicotine container is packaged in child-resistant packaging and complies with labeling requirements consistent with regulations adopted by the Board of Agriculture and Consumer Services. Any person who sells or distributes, or offers for retail sale or distribution, a liquid nicotine container on or after January 1, 2016, in packaging that does not meet the child-resistant packaging and labeling requirements is guilty of a Class 4 misdemeanor. The bill also provides that any adult may sign for tobacco products, nicotine vapor products, or alternative nicotine products purchased through mail order or the Internet. Current law requires the signature of the purchaser. The second enactment clause of the bill requires that the Board of Agriculture and Consumer Services adopt regulations to implement provisions of the bill to be effective no later than December 15, 2015.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See item 8.

8. Fiscal Implications: The bill requires the Board of Agriculture and Consumer Services to adopt regulations establishing child-resistant packaging standards and warning label requirements for liquid nicotine containers. The costs associated with promulgating regulations may be absorbed in the existing appropriation for the Department of Agriculture and Consumer Services.

The bill specifies that any person who sells or distributes, or offers for retail sale or distribution, a liquid nicotine container on or after January 1, 2016, in packaging that does not meet the child-resistant packaging and labeling requirements is guilty of a Class 4 misdemeanor. The punishment for a Class 4 misdemeanor is a fine of not more than \$250. Fines are deposited to the Literary Fund. The revenue that may be generated as a result of this bill is indeterminate.

9. Specific Agency or Political Subdivisions Affected: Department of Agriculture and Consumer Services; Department of Alcoholic Beverage Control; state and local law enforcement agencies; local Commonwealth Attorneys.

10. Technical Amendment Necessary: No.

11. Other Comments: SB1325 also relates to liquid nicotine containers.