



STATE REPRESENTATIVE

SAMANTHA KERKMAN

Assembly Bill 502

Liquid Nicotine

Assembly Committee on Consumer Protection

Tuesday, January 5, 2016

Chairman Krug and committee members: thank you for holding a hearing on Assembly Bill 502, the liquid nicotine bill. Rep. Chris Taylor and I have come together to put forth a common-sense, bipartisan piece of legislation aimed at protecting the public by regulating liquid nicotine packaging.

In recent years, electronic cigarettes have become a very popular alternative to traditional cigarettes. The FDA defines electronic cigarettes as “products designed to deliver nicotine, or other substances, to a user in the form of a vapor.” These devices contain a heating element and a cartridge for a substance, often nicotine. E-cigs come in closed and open systems. Closed systems are those in which the cartridge containing the nicotine is filled and sealed by the manufacturer and not intended to be opened by the consumer. Open systems are systems in which the consumer purchases the liquid nicotine to fill and refill their own cartridge. These products are readily available on the open market, however; they are not regulated.

It is important to note that a teaspoon of diluted liquid nicotine can poison a child to death. One local suppliers boasts on its website that one 15 milliliter bottle of liquid nicotine is equivalent to one carton of traditional cigarettes. Or to look at it a different way, one bottle can potentially kill three children. Therefore, it is important we regulate these items so that the potential for death is minimized.

AB 502 provides needed regulated for liquid nicotine in open systems. It requires the Department of Agriculture, Trade and Consumer Protection (DATCP) to promulgate rules requiring special, child-resistant, packaging for open-system liquid nicotine products. Child-resistant packaging is defined as packaging that cannot be opened by a child under the age of 5. By passing AB 502, Wisconsin would join 18 other states who have enacted legislation requiring rules regulating liquid nicotine.

Thank you for taking time to hear AB 502. I am optimistic that you will join myself and Rep. Taylor in supporting this piece of legislation.



**Testimony of Rep. Chris Taylor
Assembly Bill 502**

January 5, 2015

Chairman Krug and Consumer Protection Committee Members:

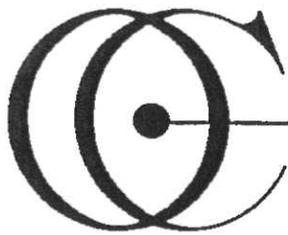
Thank you for holding a public hearing and for the opportunity to testify today in favor of AB 502. This legislation is about protecting Wisconsin's children.

Unlike traditional cigarettes, electronic cigarettes are not regulated by the U.S. Food and Drug Administration. This lapse in regulation includes liquid nicotine, a key ingredient in electronic cigarettes. AB 502 tackles a small part of this regulation; it simply requires that liquid nicotine cartridges have child resistant packaging.

According to the American Association of Poison Control Centers, the number of cases of liquid nicotine poisoning has increased exponentially over the last four years. One 18-month-old toddler died from ingesting liquid nicotine that was not contained in a child safe container. Liquid nicotine is sold in colorful packages and comes in flavors like gummi bear, cotton candy, bubble gum, cupcake, root beer float and other flavors that appeal to young children. As little as a teaspoon can kill a small child.

First, AB 502 addresses only liquid nicotine containers used to refill devices, not containers that are already filled and sealed by the manufacturer and not meant to be opened. This targets the containers causing the potential danger for younger children. Second, AB 502 requires DATCP to promulgate rules that follow the federal guidelines for "child-resistant" packaging.

AB 502 is common-sense legislation that will help protect our children. I'm hopeful you will support this bipartisan legislation, and I would be happy to answer any questions you may have on this proposal.



OUTAGAMIE COUNTY

HEALTH AND HUMAN SERVICES PUBLIC HEALTH DIVISION

HUMAN SERVICES BUILDING LEVEL 4
401 S. ELM STREET, APPLETON, WI 54911-5985
TELEPHONE (920) 832-5100 FAX (920) 832-4924

December 28, 2015

Re: Proposed Assembly Bill 502, Relating to: regulation of liquid nicotine packaging, providing an exemption from emergency rule procedures, and granting rule-making authority.

Dear Committee on Consumer Protection Members:

On Behalf of Outagamie County Health and Human Services, I wish to thank the Committee on Consumer Protection for the opportunity to submit testimony; Representatives Kerkman, C. Taylor, Goyke, Subeck, Berceau, Ohnstad, Considine, A. Ott, Sinicki, Billings, Pope, Bowen, Kolste, Murphy, Thiesfeldt, Allen, Heaton, Spreitzer and Wachs; and Senators Bewley, Lassa, Risser, L. Taylor, Harris Dodd and Ringh and who co-sponsored Proposed Assembly Bill 502 that would require special packaging for liquid nicotine. Outagamie County has taken a position in support of such legislation as best practice to limit access to liquid nicotine.

Liquid nicotine is generally used to refill cartridges for electronic smoking devices. Liquid nicotine, can be ingested or readily absorbed through intact skin, and accidental exposures are considerably more hazardous for electronic smoking devices than for conventional tobacco products. Large quantities of liquid nicotine can be easily purchased in retail outlets and over the Internet, increasing the likelihood of serious accidental poisonings.

According to the Center for Disease Control and Prevention, calls to Poison Centers in the U.S. have been increasing steadily since 2010, with calls per month increasing from one in September 2010 to 512 in February 2014. Exposures to liquid nicotine were most commonly ingestions (68.9%), followed by inhalations (16.8%), eye exposures (8.5%) and skin exposures (5.9%). Calls involved both children age 5 or less (51.1%) and people over 20 years of age (42.0%). Calls for liquid nicotine were more likely to report an adverse effect (57.6%) compared to cigarette ingestions (36.0%). The most common adverse effects were vomiting, nausea and eye irritation, with one suicide death from intravenous injection.

I ask for your support on Assembly Bill 502, to assist in providing protection against accidental nicotine exposure for all individuals, but especially to those 5 or less that are most at risk.

Sincerely,

Jerry Iverson
Health and Human Services Board
Chairperson
Outagamie County Supervisor
District 5

Mary Dorn, RN, BSN
Public Health Officer/Manager

PREVENT disease and injury. PROMOTE wellness. and PROTECT the health of the community.



Public Health