



Legislative Council Staff

Research Note

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Bill Number

House Bill 16-1137

Sponsors

Representative Klingenschmitt
Senator Lundberg

Short Title

Nicotine Products Warning Label

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Status

The bill was postponed indefinitely by the House Health, Insurance, and Environment Committee on February 11, 2016.

Summary

This bill requires, on and after January 1, 2017, all packaged nicotine products that do not contain tobacco to have a specified warning label. The penalties for not properly labeling these types of nicotine products are the same as the penalties for selling nicotine products to a minor. The penalties range from a written warning up to a \$1,500 fine.

Background

Nicotine is a colorless, oily, water-soluble, highly toxic, liquid alkaloid found in tobacco. There are a number of nicotine products on the market that do not contain tobacco, including dissolvables, lotions, gels, and drinks and liquid nicotine and nicotine-containing e-liquids that are used with electronic cigarettes.

In July 2015, the Food and Drug Administration (FDA) issued an advance notice of proposed rulemaking seeking comments, data, research results, or other information that may inform regulatory actions the FDA might take with respect to nicotine exposure warnings and child-resistant packaging for liquid nicotine and nicotine-containing e-liquid, and potentially for other products including, but not limited to, dissolvables, lotions, gels, and drinks. It does not appear that the FDA has issued rules on this topic as of January 2016.

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House Action

House Health, Insurance, and Environment Committee (February 9, 2016.) At the hearing, representatives from the Children's Hospital Colorado, Colorado Chapter of the American Academy of Pediatrics, and National Jewish Health testified in support of the bill. A representative from Cignot Colorado testified in opposition to the bill. The bill was laid over until February 11, 2016, for additional testimony.

House Health, Insurance, and Environment Committee (February 11, 2016.) At the hearing, representative from Colorado Association of Local Public Health Officials, Colorado Department of Public Health and Environment, and Denver Public Health testified in support of the bill. Representatives from Boosted, LLC, Colorado Association of Distributors, Colorado Vape Association, Cloud Provisions, Mistery Vapor Bar, Smoke Free Alternatives Trade Association, and Vapergate testified in opposition to the bill. One private citizen testified on the bill, but did not indicate his position on the bill. The committee postponed the bill indefinitely.