



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

Nicotine Packaging Advisory Letter

Date: August 2, 2018

Dear Sir or Madam,

[The Child Nicotine Poisoning Prevention Act of 2015 \(CNPPA\)](https://www.fda.gov/TobaccoProducts/default.htm) requires 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). Only containers that render the liquid inaccessible (*e.g.*, pre-filled, disposable cartridges for e-cigarettes), and products that are meant to be consumed at a vapory, are exempt from the special packaging requirements of the CNPPA. Furthermore, these special packaging requirements are in addition to requirements established by the U.S. Food and Drug Administration (FDA): <https://www.fda.gov/TobaccoProducts/default.htm>.

In addition, the Consumer Product Safety Act (CPSA) requires manufacturers of products subject to a standard enforced by the U.S. Consumer Product Safety Commission (CPSC) to issue a certificate that the products meet the requirements of the standard. Thus, manufacturers, importers, and packagers of substances, like liquid nicotine, that are subject to the requirements set out in 16 C.F.R. § 1700.15, as determined through testing in accordance with methods described in 16 C.F.R. § 1700.20, must certify compliance to those requirements. For more information on certification, please visit: www.cpsc.gov/GCC.

We conduct retail and import surveillance operations as part of the CPSC's ongoing efforts to ensure that all importers, manufacturers, packagers, and retailers of liquid nicotine are complying with the CNPPA. Through these efforts, it has come to our attention that some manufacturers of liquid nicotine products are including a dispensing cap along with their products. The CPSC has previously determined that when an applicator is packaged with a product that requires special packaging and the applicator is reasonably expected to replace the original closure of the packaging, the applicator must also be of special packaging design, *63 Federal Register 63602-63608 (November 16, 1998)*. Therefore, any secondary closure, such as a dispensing cap, that comes packaged with the liquid nicotine product must also meet special packaging requirements.

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,

A handwritten signature in black ink, appearing to read "R. Kaye", written over a horizontal line.

Robert S. Kaye
Director
Office of Compliance and Field Operations