

**DIRECTOR OF
ARKANSAS TOBACCO CONTROL**

**RULES FOR
THE SAFE MANUFACTURE OF VAPOR PRODUCTS,
ALTERNATIVE NICOTINE PRODUCTS AND E-LIQUIDS
AND CONSUMER SAFETY**

**Promulgated Pursuant to the Authority of
Arkansas Code Annotated § 26-57-257(s)**

Effective 05-01-2016

By the Director of Arkansas Tobacco Control

Little Rock, Arkansas

**PROPOSED RULES FOR THE SAFE MANUFACTURE OF VAPOR
PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS AND E-LIQUIDS
AND CONSUMER SAFETY**

SECTION I. AUTHORITY

The following Rules and Regulations pertaining to the manufacture of vapor products, alternative nicotine products and e-liquids are duly adopted and promulgated by the Director of Arkansas Tobacco Control pursuant to the authority expressly conferred by the laws of the State of Arkansas, namely Ark. Code Ann. § 26-57-257(s).

SECTION II. PURPOSE

The purpose of these rules is to protect the health of the citizens of Arkansas by implementing safety and hygiene rules for persons that prepare or mix e-liquid products or alternative nicotine products as well as specifying child resistant containers for e-liquids containing nicotine.

SECTION III. DEFINITIONS

For the purpose of these Rules, any words and phrases when used herein shall be construed in the same way as defined in Ark. Code Ann. § 26-57-203, § 26-57-254(h)(2) and § 5-27-227(g)(2)(C) with the following additional terms:

1. “Arkansas Tobacco Control Board” means:
 - a. The board established by Ark. Code Ann. § 26-57-255 responsible for rulemaking and acting as the adjudicatory body for Arkansas Tobacco Control; and
 - b. The Board with responsibility for the issuance, suspension, and revocation of licenses and permits enumerated in Ark. Code Ann. § 26-57-219.
2. “Minor” means any individual under the age of eighteen.
3. “Consumer” means:
 - a. Any member of the public at large; and

- b. Does not include any owner or employee of a permitted facility at the permitted facility they are associated with.
- 4. “Director” means the Director of Arkansas Tobacco Control.
- 5. “Production Run” means in the normal course of business, the normal cycle of staging, producing, mixing and resizing e-liquid or other vaporizing substances, followed by cleaning of the equipment and area used and collection and proper disposal of waste in a manner so that it is not readily accessible by consumers.
- 6. “Production Run Area” means the area that a production run occurs in.

SECTION IV. SAFETY REQUIREMENTS

- 1. No minor shall be permitted inside the production run area of any person manufacturing vapor products, alternative nicotine products or e-liquids.
- 2. Use of any vapor product, alternative nicotine product or e-liquid product by a minor is prohibited.
- 3. All retail packaging of vapor products, alternative nicotine products and e-liquid products (excluding prefilled cartridges sealed by the manufacturer and not intended to be opened by a consumer) must pass the guidelines of child-resistant packaging described in Ark. Code Ann. § 26-57-254, when tested in accordance with the method described by 16 C.F.R. § 1700.20, as it existed on January 1st, 2015.
- 4. Only owners and employees of permitted manufacturers can mix or prepare any vapor products, alternative nicotine products or e-liquid products in any place of business. No vapor products, alternative nicotine products or e-liquid products shall be mixed, resized or manufactured in a place consumers are allowed to physical access to or can reach into.
- 5. Employees who manufacture or mix vapor products, alternative nicotine products or e-liquid products must be eighteen years of age or older and use proper hygiene and cleanliness standards as set forth by standards in place for food service by the Arkansas Department of Health, expressed in Ark. Code Ann. § 20-57-104.
- 6. Manufacturer owners and employees must use protective equipment, including non-permeable gloves, when manufacturing, mixing or resizing vapor products, alternative nicotine products or e-liquid products.

7. No animals are permitted in any area used for manufacturing, mixing or resizing of any vapor product, alternative nicotine product or e-liquid product. Employee service animals are exempt from this prohibition when accompanying their owner.
8. The consumption of food or drink, or the use of tobacco, vapor products, alternative nicotine products or e-liquid products, is not permitted within any production run area.
9. The Director of Arkansas Tobacco Control has the right demand the production of the complete ingredient list of any vapor product, alternative nicotine product or e-liquid, including the measurements of each ingredient.
10. At any point, if there is reasonable suspicion, the Director or his agents may inspect and obtain reasonable samples to chemically or microbiologically analyze any vapor product, alternative nicotine or e-liquid product to verify the nicotine content or determine the constituent components thereof.
11. Any vapor products, alternative nicotine products, e-liquid products or components thereof found to be contaminated, damaged, or expired can be required by the Director to be immediately removed from stock and either disposed of, returned to the proper wholesaler or manufacturer, with appropriate documentation delivered to the Director. The product and documentation may be delivered to the Director with his consent, for proper destruction and disposal.

SECTION V. SEVERABILITY

If any provision of these Rules and Regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these Rules and Regulations which can be given effect without the invalid provisions or applications, and to this end the provisions hereto are declared severable.

SECTION VI. REPEAL

All rules and parts of rules in conflict herewith are hereby repealed.

CERTIFICATION

This will certify that the foregoing Rules for the Safe Manufacture of Vapor Products, Alternative Nicotine Products and E-Liquids and Consumer Safety were adopted by the Director of Arkansas Tobacco Control on the ___ day of ___, 2016.

Steve Goode, Director