

## STATE OF COLORADO

### COLORADO CHILD-SAFE INHALATION DEVICE ACT

Be it Enacted by the People of the State of Colorado:

## **INITIATIVE 5 of 7 | Standalone Child Safety Initiative | V44**

**One Sentence Pitch:** Put a lock on it.

**Strategic Note:** This initiative is intentionally separate from the AMPLIFY Act package. Child safety sells itself across all political identities. Use this as the door opener in the signature stack.

### **ENACTING CLAUSE**

Be it Enacted by the People of the State of Colorado:

Single subject. This act concerns mandatory child safety standards for electronic inhalation devices sold in Colorado including dual-layer physical and electronic protection mechanisms and passive contamination prevention requirements.

### **SECTION 1 — LEGISLATIVE DECLARATION**

The General Assembly finds that inhalation devices containing nicotine, cannabis, or regulated substances present a documented risk of accidental child exposure through both deliberate activation by unsupervised children and passive ambient contamination from devices in open or unsecured states. Existing child safety standards governing packaging are insufficient to address the device itself once removed from packaging and in active household use. This Act establishes a dual-layer child safety standard requiring both physical mouthpiece closure and electronic activation lock mechanisms on all qualifying inhalation devices sold in Colorado.

### **SECTION 2 — DEFINITIONS**

"Qualifying inhalation device" means any electronic or battery-powered device designed to heat and deliver nicotine, cannabis, or any controlled or regulated substance in vapor or aerosol form.

"Physical Mouthpiece Closure" means a spring-loaded, twist-lock, or equivalent mechanical cover that automatically re-engages over the device mouthpiece when not in active use, requires deliberate adult manipulation to open, and meets resistance thresholds established by rule that exceed average grip strength of children ages zero through five.

"Electronic Activation Lock" means an independent electronic mechanism that must be deliberately engaged by an adult user before the device will heat or produce vapor, operates independently of the Physical Mouthpiece Closure, and meets authentication standards established by rule.

"Automatic Re-Closure" means the property of a Physical Mouthpiece Closure that causes it to return to the closed and locked position without adult intervention within five seconds of release.

"Dual Protection Standard" means the simultaneous requirement that both the Physical Mouthpiece Closure be open and the Electronic Activation Lock be disengaged before a qualifying inhalation device will activate.

### **SECTION 3 — DUAL PROTECTION STANDARD — MANDATORY**

(2) Physical Mouthpiece Closure requirements. Shall: (a) automatically re-close within five seconds of release; (b) require deliberate manipulation exceeding child grip strength threshold; (c) prevent passive vapor or aerosol leakage from mouthpiece when closed; (d) be integral to the device and not removable without tools.

(3) Electronic Activation Lock requirements. Shall: (a) operate independently of Physical Mouthpiece Closure; (b) require deliberate adult activation through one of the following: sequential multi-button press at points separated by distance exceeding average child hand span; pressure-and-duration threshold requiring sustained pressure for minimum three seconds; Bluetooth proximity authentication paired to registered adult device; or biometric activation calibrated to adult hand geometry; (c) automatically re-engage after maximum 60 seconds of inactivity.

(4) Simultaneous requirement. Device shall not activate unless both Physical Mouthpiece Closure is open AND Electronic Activation Lock is disengaged simultaneously.

(5) Passive contamination prevention. Device in closed Physical Mouthpiece Closure position shall not permit vapor, aerosol, or residue to escape from mouthpiece opening. This provision addresses ambient exposure risk from open devices in household environments.

### **SECTION 4 — ENFORCEMENT**

(1) Mandatory retail removal within 30 days of written notice for non-compliant devices.

(2) Civil penalty — \$500 per non-compliant unit sold after removal period.

(3) Strict liability for manufacturer for documented child exposure events where absence of compliant Dual Protection Standard is a contributing cause.

(4) Private right of action — \$10,000 statutory damages per incident plus attorney fees.

### **SECTION 5 — IMPLEMENTATION**

SECTION 99. EFFECTIVE DATE.

This measure takes effect from and after the date of the official declaration of the vote thereon by proclamation of the governor, as provided in section 1 (4)(a) of article V of the Colorado constitution.