

# FISHERBROYLES®

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**Via E-Mail**

12 Crowns Consulting, Inc.  
3419 Via Lido, Suite 453  
Newport Beach, CA 92663

**Michael T. Cone, Esq.**  
445 Park Avenue, Ninth Floor  
New York, New York 10022  
Direct: (212) 655-5471  
michael.cone@fisherbroyles.com

**Steven C. Papkin**  
5405 Wilshire Boulevard, Suite 309  
Los Angeles, California 90036  
Direct: (310) 415-6254  
steven.papkin@fisherbroyles.com  
[www.fisherbroyles.com](http://www.fisherbroyles.com)

Re: CBD Drip and the Child Nicotine Poisoning Prevention Act of 2015 (CNPPA)

Ladies and Gentlemen:

We have been asked to determine whether your product called “CBD Drip” is subject to the Child Nicotine Poisoning Prevention Act (“CNPPA”), which is codified at 15 U.S.C. § 1472a.

**Executive Summary**

We have determined CBD Drip is not subject to the CNPPA because the CNPPA only applies to substances containing nicotine and CBD Drip does not contain any nicotine.

**Analysis**

The CNPPA subjects *liquid nicotine containers* to strict packaging requirements found in the Poison Packaging Prevention Act. In particular, the CNPPA provides in pertinent part as follows:

[A]ny nicotine provided in a *liquid nicotine container* sold, offered for sale, manufactured for sale, distributed in commerce, or imported into the United States shall be packaged in accordance with [Poison Packaging Prevention Act ] standards . . . .

15 U.S.C. § 1472a(a) (emphasis added).

In turn, the CNPPA defines “nicotine” as follows:

**NICOTINE.**—The term “nicotine” means any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived.

15 U.S.C. § 1472a(d)(3).

You have advised us that CBD Drip does not contain any nicotine, and based on such information, CBD Drip is not subject to the CNPPA because the CNPPA only applies to products that contain nicotine.

We further note that the CNPPA is administered by the Consumer Product Safety Commission (the “CPSC”) which regulates the manufacture and sale of most consumer products. The Food and Drug Administration is not involved in implementing, enforcing or interpreting the CNPPA.

This letter is based upon facts and circumstances known to us as of the date hereof.

Please feel free to contact Michael T. Cone at (212) 655-5471 or Steven C. Papkin at (310) 415-6254 if you wish to discuss or have any questions.

Sincerely,

**FisherBroyles, LLP**



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Michael T. Cone, Partner



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Steven C. Papkin, Partner