



Durbin, Senators Introduce Comprehensive Legislation to Address Youth Tobacco Crisis

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WASHINGTON – U.S. Senator Dick Durbin (D-IL), along with U.S. Senator Sherrod Brown (D-OH), introduced the *Reversing the Youth Tobacco Epidemic Act of 2020*, comprehensive legislation to get kid-friendly e-cigarette flavors off the market, stop tobacco companies from targeting youth with marketing schemes, and to curb the rise in the use of tobacco and e-cigarette products among youth. The bill follows Congressional action to increase the federal minimum age to purchase tobacco products to 21 years of age, which passed into law at the end of 2019. While increasing the minimum age to purchase tobacco products – including e-cigarettes – is a positive step forward, increasing the legal age to purchase tobacco products to 21 is not sufficient to curb the youth vaping epidemic. The *Reversing the Youth Tobacco Epidemic Act of 2020* recognizes that much more must be done in order to turn the tide in this public health crisis and reduce youth use of tobacco and other nicotine-containing products, including a prohibition on any flavored tobacco product that has not been approved by the FDA.

“Our nation is in the midst of a vaping epidemic that has now hooked five million kids—an increase of 135 percent over the past two years of the Trump Administration,” Durbin said. “We can’t allow Big Vape and Big Tobacco to continue addicting an entire generation of kids to nicotine. Today’s bill would get rid of the flavors that are largely to blame for the rise in youth use of e-cigarettes, crack down on the vaping industry’s targeting of our children, and hopefully reverse the trend of increased youth e-cigarette use.”

Joining Durbin and Brown on the legislation include U.S. Senators Jeff Merkley (D-OR), Richard Blumenthal (D-CT), Sheldon Whitehouse (D-RI), Ed Markey (MA), Jack Reed (D-RI), Ben Cardin (D-MD), Kamala Harris (D-CA). U.S. Representatives. Frank

Pallone, Jr. (D-NJ) and Rep. Donna Shalala (D-FL) introduced the House version of the bill, which was marked up in the House Energy and Commerce Committee in November 2019.

Specifically, the *Reversing the Youth Tobacco Epidemic Act of 2020* would address the increase in youth tobacco use by:

- Requiring the FDA to finalize a rule requiring graphic health warnings for cigarette packages by March 2020, consistent with a federal court order;
- Extending FDA regulations on the sale, distribution, and use of cigarettes and smokeless tobacco to all deemed tobacco products, including e-cigarettes;
- Directing the FDA to prohibit non-face-to-face sales of all tobacco products including e-cigarettes and e-cigarette accessories;
- Prohibiting all characterizing flavors of tobacco products, including menthol;
- Providing the FDA with the authority to collect user fees from all classes of tobacco products, including e-cigarettes;
- Instructing the FDA to issue a final rule on the regulation of products containing synthetic nicotine or nicotine that is not made or derived from tobacco;
- Clarifying the penalties for non-enforcement of the newly passed tobacco 21 law, and differentiating between retailers that offer an approved training program for employees related to the restrictions on sale and distribution of tobacco products to minors;
- Providing the CDC with the authority to do outreach to medically underserved communities on ways to educate and provide guidance on nicotine addiction prevention and smoking cessation, and requiring the CDC to establish a grant program to develop strategies for smoking cessation in medically underserved communities;
- Making it unlawful to market, advertise, or promote any e-cigarette products to individuals under the age of 21, consistent with the recently passed federal tobacco 21 law; and,
- Requiring the FTC to issue an annual report to Congress on the domestic sales, advertising, and promotional activity of cigarette, cigar, smokeless tobacco, and e-cigarette manufacturers.

According to a [report](#) from the Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC), there was a 78 percent increase in current e-cigarette use by high school students and 48 percent increase among middle school students from 2017 to 2018.

A number of organizations have endorsed the *Reversing the Youth Tobacco Epidemic Act of 2020*, including the American Lung Association, Campaign for Tobacco Free Kids, American Academy of Pediatrics, American Cancer Society Cancer Action

Network, American College of Cardiology, American Heart Association and the National African American Tobacco Prevention Movement.