

Durbin, Senators Introduce Bipartisan Legislation To Hold E-cigarette Companies Accountable For The Youth Vaping Crisis

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WASHINGTON – This week, Senator Dick Durbin (D-IL), along with Senators Jeanne Shaheen (D-NH), Lisa Murkowski (R-AK), Mitt Romney (R-UT), Tammy Baldwin (D-WI), and Susan Collins (R-ME), introduced bipartisan legislation to protect children from the dangers of e-cigarettes. The *Resources to Prevent Youth Vaping Act* would require that e-cigarette manufacturer pay user fees to the Food and Drug Administration (FDA) to help to fund more activity at FDA to conduct stronger oversight of the e-cigarette industry and increase awareness for the danger of e-cigarettes.

“The youth vaping epidemic has now hooked five million kids—an increase of 135 percent over the past two years of the Trump Administration,” Durbin said. “This bill would impose a new user fee on e-cigarette companies so that the FDA would have the resources it needs to better review and regulate these addictive products. In order to protect an entire generation of children from nicotine addiction, we must act now.”

In recent years, the use of e-cigarettes and other electronic nicotine delivery systems (ENDS) products, such as JUUL, has skyrocketed, particularly among teens. The Centers for Disease Control and Prevention (CDC) recently reported that

- E-cigarette use among high school students rose from 1.5 percent of students in 2011 to 27.5 percent of students in 2019.
- E-cigarette use among middle school students also grew, from 0.6 percent of students in 2011 to 10.5 percent of students in 2019.
- The availability of flavored e-cigarettes, and easily-concealable vaping products, like JUUL, have made e-cigarettes more popular among youth.

The *Resources to Prevent Youth Vaping Act* increases the total amount that will be collected in tobacco user fees by \$100 million in Fiscal Year (FY) 2020 and indexes that amount to inflation for future years. Critically, the bill also authorizes FDA to collect user fees from all manufacturers of products that have been deemed as tobacco products by FDA, including e-cigarettes. Currently, manufacturers of traditional combustible tobacco products pay into FDA user fees, but e-cigarette companies are exempt due to a loophole in the law. The amount collected from individual e-cigarette manufacturers will be proportional to their share of the overall tobacco market, as determined by FDA. This approach is consistent with the Trump administration's e-cigarette user fee proposal included in the FY 2020 Budget. FDA would be able to use this additional revenue from e-cigarette user fees to conduct a safety review of vaping products, prevent sales of e-cigarettes to minors, help support efforts to educate youth on the dangers of e-cigarettes and increase the agency's oversight capabilities.

Companion legislation will be introduced in the House by U.S. Representative Cheri Bustos (D-IL17).