

116TH CONGRESS
1ST SESSION

H. R. 5022

To amend the Family Smoking Prevention and Tobacco Control Act to increase certain civil penalties applicable to violations of certain restrictions on the sale and distribution of tobacco products, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 2019

Mr. RUIZ introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Family Smoking Prevention and Tobacco Control Act to increase certain civil penalties applicable to violations of certain restrictions on the sale and distribution of tobacco products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nicotine Or Vaping
5 Access Protection and Enforcement Act of 2019” or the
6 “NO VAPE Act of 2019”.

1 **SEC. 2. INCREASING CIVIL PENALTIES APPLICABLE TO**
2 **CERTAIN VIOLATIONS OF RESTRICTIONS ON**
3 **SALE AND DISTRIBUTION OF TOBACCO PROD-**
4 **UCTS.**

5 (a) **PENALTIES.**—Paragraph (2) of section 103(q) of
6 the Family Smoking Prevention and Tobacco Control Act
7 (21 U.S.C. 333 note) is amended to read as follows:

8 “(A) **IN GENERAL.**—The amount of the
9 civil penalty to be applied for violations of re-
10 strictions promulgated under section 906(d), as
11 described in paragraph (1), shall be as follows:

12 “(i) With respect to a retailer with an
13 approved training program, the amount of
14 the civil penalty shall not exceed—

15 “(I) in the case of the first viola-
16 tion, \$300;

17 “(II) in the case of a second vio-
18 lation within a 12-month period,
19 \$500;

20 “(III) in the case of a third viola-
21 tion within a 24-month period,
22 \$1,000;

23 “(IV) in the case of a fourth vio-
24 lation within a 24-month period,
25 \$4,000;

1 “(V) in the case of a fifth viola-
2 tion within a 36-month period,
3 \$10,000; and

4 “(VI) in the case of a sixth or
5 subsequent violation within a 48-
6 month period, \$20,000 as determined
7 by the Secretary on a case-by-case
8 basis.

9 “(ii) With respect to a retailer that
10 does not have an approved training pro-
11 gram, the amount of the civil penalty shall
12 not exceed—

13 “(I) in the case of the first viola-
14 tion, \$500;

15 “(II) in the case of a second vio-
16 lation within a 12-month period,
17 \$1,000;

18 “(III) in the case of a third viola-
19 tion within a 24-month period,
20 \$2,000;

21 “(IV) in the case of a fourth vio-
22 lation within a 24-month period,
23 \$4,000;

1 “(V) in the case of a fifth viola-
2 tion within a 36-month period,
3 \$10,000; and

4 “(VI) in the case of a sixth or
5 subsequent violation within a 48-
6 month period, \$20,000 as determined
7 by the Secretary on a case-by-case
8 basis.”.

9 (b) APPLICABILITY.—The amendment made by sub-
10 section (a) applies with respect to a violation of a restric-
11 tion promulgated under section 906(d)(1) of the Federal
12 Food, Drug, and Cosmetic Act (21 U.S.C. 387f(d)(1)), as
13 described in section 103(q)(1) of the Family Smoking Pre-
14 vention and Tobacco Control Act (21 U.S.C. 333 note),
15 occurring on or after the date that is 6 months after the
16 enactment of this Act. The penalties specified in such sec-
17 tion 103(q)(1), as in effect on the day before such date,
18 shall continue to apply to violations occurring before such
19 date.

20 **SEC. 3. MANDATORY AGE VERIFICATION FOR ALL RETAIL**
21 **PURCHASERS OF TOBACCO PRODUCTS.**

22 (a) IN GENERAL.—Subsection (d) of section 906 of
23 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
24 387f) is amended by adding at the end the following new
25 paragraph:

1 “(5) AGE VERIFICATION.—

2 “(A) REQUIREMENT.—The Secretary shall
3 by regulation require, in any retail sale of a to-
4 bacco product, verification of the purchaser’s
5 age by means of photographic identification
6 containing the bearer’s date of birth.

7 “(B) NO EXCEPTION FOR OLDER PUR-
8 CHASERS.—The age verification requirement
9 promulgated under subparagraph (A) shall not
10 include any exception for any purchaser, includ-
11 ing any purchaser above a specified age.”.

12 (b) REGULATIONS.—The Secretary of Health and
13 Human Services, acting through the Commissioner of
14 Food and Drugs, shall promulgate a final regulation pur-
15 suant to section 906(d)(5) of the Federal Food, Drug, and
16 Cosmetic Act, as added by subsection (a), not later than
17 6 months after the date of enactment of this Act.

18 **SEC. 4. STUDY AND REPORT ON E-CIGARETTES.**

19 Not later than 5 years after the date of enactment
20 of this Act, the Director of the Centers for Disease Control
21 and Prevention shall—

22 (1) complete a study on—

23 (A) the relationship of e-cigarettes to to-
24 bacco cessation;

1 (B) the perception of the harmful effects of
2 e-cigarettes; and

3 (C) the environmental effects of e-cigarette
4 emissions; and

5 (2) submit to the Congress a report on the re-
6 sults of such study.

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