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U.S. Sen. Baldwin: Helps introduce bipartisan legislation to hold e-cigarette companies accountable for the youth vaping crisis

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The Resources to Prevent Youth Vaping Act is endorsed by the American Heart Association and the American Lung Association

WASHINGTON, D.C. – Today, U.S. Senator Tammy Baldwin joined her bipartisan colleagues led by Senator Jeanne Shaheen (D-NH) to introduce legislation to protect children from the dangers of e-cigarettes. The *Resources to Prevent Youth Vaping Act* would require that e-cigarette manufacturers pay user fees to the Food and Drug Administration (FDA) to help fund more activity at FDA to conduct stronger oversight of the e-cigarette industry and increase awareness of the dangers of e-cigarettes. The legislation is also cosponsored by Senators Lisa Murkowski (R-AK), Susan Collins (R-ME), Dick Durbin (D-IL), and Mitt Romney (R-UT).

“The rise of teen vaping is an epidemic and we must take action to protect children from the dangers of e-cigarettes and prevent them from using harmful tobacco products,” **said Senator Baldwin**. “This legislation is an important step forward to fund stronger oversight of the e-cigarette industry and increase our prevention and youth awareness efforts.”

“At Children’s Wisconsin, we have been at the front lines of caring and advocating for young people affected by the youth e-cigarette epidemic. In order to keep kids

safe, we know more needs to be done to educate teens and their families about the dangers of vaping and to reduce teen access to all tobacco products. We are encouraged by the provisions outlined to do just that in the *Resources to Prevent Youth Vaping Act.* We applaud Senator Baldwin for her continued leadership in the U.S. Senate to address this troubling public health issue. Increased funding to support education and to encourage critical oversight and enforcement will help keep dangerous tobacco products out of our kids' hands," **said Mike Gutzeit, MD, Chief Medical Officer, Children's Wisconsin.**

"The American Lung Association applauds Senators Shaheen and Murkowski for their leadership in ensuring the Food and Drug Administration has sufficient resources moving forward to complete its vital work in protecting our nation from all tobacco products," **said Deborah P. Brown, Chief Mission Officer of the American Lung Association.** "The youth e-cigarette epidemic is commanding a significant portion of FDA's energies and the e-cigarette industry should pay its fair share of user fees."

"E-cigarette use among teens is skyrocketing, with more than 5 million youth using e-cigarettes, which is why we need strong legislation like this to protect youth from dangerous and addictive products. We are grateful to Senator Jeanne Shaheen (D-NH) for introducing the *Resources to Prevent Youth Vaping Act* and for her continued work to help address the e-cigarette crisis in our nation," **said The American Heart Association.**

Background

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 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.

Full text of the bill is available here.

An online version of this release is available here.