

AMENDMENT TO COMMITTEE PRINT OF H.R. 2339
OFFERED BY MR. RUIZ OF CALIFORNIA

At the end, add the following new title (and make such conforming changes as may be necessary):

1 **TITLE IV—NICOTINE OR VAPING**
2 **ACCESS PROTECTION AND**
3 **ENFORCEMENT**

4 **SECTION 401. SHORT TITLE.**

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

8 **SEC. 402. INCREASING CIVIL PENALTIES APPLICABLE TO**
9 **CERTAIN VIOLATIONS OF RESTRICTIONS ON**
10 **SALE AND DISTRIBUTION OF TOBACCO PROD-**
11 **UCTS.**

12 (a) PENALTIES.—Paragraph (2) of section 103(q) of
13 the Family Smoking Prevention and Tobacco Control Act
14 (21 U.S.C. 333 note) is amended to read as follows:

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

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

4 “(I) in the case of the first viola-
5 tion, \$0, together with the issuance of
6 a warning letter to the retailer;

7 “(II) in the case of a second vio-
8 lation within a 12-month period,
9 \$500;

10 “(III) in the case of a third viola-
11 tion within a 24-month period,
12 \$1,000;

13 “(IV) in the case of a fourth vio-
14 lation within a 24-month period,
15 \$4,000;

16 “(V) in the case of a fifth viola-
17 tion within a 36-month period,
18 \$10,000; and

19 “(VI) in the case of a sixth or
20 subsequent violation within a 48-
21 month period, \$20,000 as determined
22 by the Secretary on a case-by-case
23 basis.

24 “(ii) With respect to a retailer that
25 does not have an approved training pro-

1 gram, the amount of the civil penalty shall
2 not exceed—

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

5 “(II) in the case of a second vio-
6 lation within a 12-month period,
7 \$1,000;

8 “(III) in the case of a third viola-
9 tion within a 24-month period,
10 \$2,000;

11 “(IV) in the case of a fourth vio-
12 lation within a 24-month period,
13 \$4,000;

14 “(V) in the case of a fifth viola-
15 tion within a 36-month period,
16 \$10,000; and

17 “(VI) in the case of a sixth or
18 subsequent violation within a 48-
19 month period, \$20,000 as determined
20 by the Secretary on a case-by-case
21 basis.”.

22 (b) **APPLICABILITY.**—The amendment made by sub-
23 section (a) applies with respect to a violation of a restric-
24 tion promulgated under section 906(d)(1) of the Federal
25 Food, Drug, and Cosmetic Act (21 U.S.C. 387f(d)(1)), as

1 described in section 103(q)(1) of the Family Smoking Pre-
2 vention and Tobacco Control Act (21 U.S.C. 333 note),
3 occurring on or after the date that is 6 months after the
4 enactment of this Act. The penalties specified in such sec-
5 tion 103(q)(1), as in effect on the day before such date,
6 shall continue to apply to violations occurring before such
7 date.

8 **SEC. 403. STUDY AND REPORT ON E-CIGARETTES.**

9 Not later than 5 years after the date of enactment
10 of this Act, the Comptroller General of the United States
11 shall—

12 (1) complete a study on—

13 (A) the relationship of e-cigarettes to to-
14 bacco cessation;

15 (B) the perception of the harmful effects of
16 e-cigarettes; and

17 (C) the effects of secondhand exposure to
18 smoke from e-cigarettes; and

19 (2) submit to the Congress a report on the re-
20 sults of such study, including recommendations
21 based on such results.

