

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2339
OFFERED BY M .**

Page 10, after line 12, insert the following flush-left text at the end of paragraph (2):

1 In determining whether a manufacturer has made the
2 demonstration described in subparagraph ~~(A)(i)~~^(B), the Sec-
3 retary shall consider whether the denial of the marketing
4 order or substantial equivalence order for the electronic
5 nicotine delivery system would increase the likelihood that
6 individuals will purchase illegal or adulterated products on
7 the black market.

