AMENDMENT TO
RULES COMMITTEE PRINT 116–51
OFFERED BY MR. RUIZ OF CALIFORNIA

At the end of title I, add the following section:

SEC. 111. LABELING OF ELECTRONIC NICOTINE DELIVERY SYSTEMS.

(a) IN GENERAL.—Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387 et seq.) is amended by adding at the end the following new section:

"SEC. 921. LABELING OF ELECTRONIC NICOTINE DELIVERY SYSTEMS.

''(a) IN GENERAL.—The Secretary shall by regulation require the label of every electronic nicotine delivery system, in a format and type size that is determined by the Secretary—

''(1) to clearly identify the system as an electronic nicotine delivery system; and

''(2) to state that the system may contain nicotine.

''(b) VIOLATIONS.—A violation of the regulation under subsection (a) shall be treated as a violation of a restriction under section 906(d).''.

(b) REGULATIONS.—

(1) INITIAL REGULATION.—The Secretary of Health and Human Services acting through the Commissioner of Food and Drugs (in this subsection referred to as the ''Secretary'') shall—

(A) not later than 1 year after the date of enactment of this Act, issue a proposed regulation pursuant to section 921 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a); and

(B) not later than 2 years after the date of enactment of this Act, promulgate a final regulation pursuant to such section 921.

(2) CONSIDERATIONS.—In promulgating regulations under such section 921, the Secretary shall take into consideration authorities under chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387 et seq.) other than such section 921.

(c) RULE OF CONSTRUCTION.—Nothing in this section or the amendment made by this section shall be construed to limit or otherwise affect the authorities under provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) other than such section 921.