

116TH CONGRESS
1ST SESSION

S. _____

To protect and educate children about the dangers of e-cigarettes and other electronic nicotine delivery systems, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. UDALL (for himself and Mr. ROMNEY) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To protect and educate children about the dangers of e-cigarettes and other electronic nicotine delivery systems, 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 “Smoke-Free Schools
5 Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The use of tobacco among young students
9 remains a serious health concern, with more than 1
10 in every 4 high school students, and approximately

1 1 in every 14 middle school students, reporting re-
2 cently using a tobacco product.

3 (2) Roughly 95 percent of smokers will start
4 smoking before they are 21 years of age, with more
5 than 90 percent of adult smokers reporting having
6 started when they were teens.

7 (3) E-cigarettes and other electronic nicotine
8 delivery systems (commonly referred to as “ENDS”)
9 entered the market in 2006 and, by 2014, became
10 the most commonly used and popular tobacco prod-
11 ucts among middle school and high school students.

12 (4) The use of electronic nicotine delivery sys-
13 tems, including e-cigarettes, continues to rise, with
14 the Centers for Disease Control and Prevention and
15 the Food and Drug Administration having recorded
16 a 78 percent increase in e-cigarette use among high
17 school students and 48 percent increase in e-ciga-
18 rette use among middle school students from 2017
19 to 2018.

20 (5) The most recent data finds that 3,620,000
21 middle school and high school students were current
22 e-cigarette users in 2018, an increase of 1,500,000
23 students in just one year.

24 (6) Despite a 2018 National Academies of
25 Sciences, Engineering, and Medicine report that

1 found e-cigarette aerosol contained fewer toxicants
2 than combusted cigarette smoke, e-cigarettes present
3 unique health concerns for middle school and high
4 school students.

5 (7) Electronic nicotine delivery systems, includ-
6 ing e-cigarettes, can contain nicotine, a drug the
7 Surgeon General has determined is highly addictive
8 and can be harmful to the development of the ado-
9 lescent brain.

10 (8) Congress has a major policy-setting role in
11 ensuring that the use of tobacco products among mi-
12 nors is discouraged to the maximum extent possible.

13 (9) Additionally, local educational agencies
14 should be given greater flexibility to target specific
15 funding to efforts aimed at eradicating the problem
16 of the use of electronic nicotine delivery systems, in-
17 cluding e-cigarettes, as such use affects student
18 health, productivity, safety, and outcomes and im-
19 pedes a distraction-free learning environment.

20 **SEC. 3. PROHIBITION OF ELECTRONICALLY DELIVERED**
21 **NICOTINE SYSTEMS IN SCHOOLS.**

22 (a) PROHIBITION.—The Pro-Children Act of 2001
23 (20 U.S.C. 7971 et seq.) is amended—

24 (1) in section 8572 (20 U.S.C. 7972), by add-
25 ing at the end the following:

1 “(6) TOBACCO PRODUCT.—The term ‘tobacco
2 product’ means a tobacco product within the mean-
3 ing of the term under the Federal Food, Drug, and
4 Cosmetic Act (21 U.S.C. 301 et seq.).”;

5 (2) in section 8573 (20 U.S.C. 7973)—

6 (A) in subsection (a), by striking “smok-
7 ing” and inserting “the use of any tobacco
8 product”;

9 (B) in subsection (b)(1), by striking
10 “smoking” and inserting “the use of any to-
11 bacco product”;

12 (C) in subsection (c)—

13 (i) in paragraph (1), by striking
14 “smoking” and inserting “the use of any
15 tobacco product”; and

16 (ii) in paragraph (2)(A), by striking
17 “smoking” and inserting “the use of any
18 tobacco product”; and

19 (D) in subsection (d)—

20 (i) by striking “NOTICE.—The” and
21 inserting the following: “NOTICE.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (2), the”; and

24 (ii) by adding at the end the fol-
25 lowing:

1 “(2) RULE FOR TOBACCO PRODUCTS.—Any
2 prohibition under subsections (a) through (c) regard-
3 ing a tobacco product that was not already prohib-
4 ited, as such section was in effect on the day before
5 the date of enactment of the Smoke-Free Schools
6 Act of 2019, shall be effective 30 days after the date
7 of enactment of such Act.”.

8 (b) CONFORMING AMENDMENTS.—The Pro-Children
9 Act of 2001 (20 U.S.C. 7971 et seq.) is amended—

10 (1) in section 8571 (20 U.S.C. 7971), by strik-
11 ing “part” and inserting “subpart”;

12 (2) in section 8572 (20 U.S.C. 7972)—

13 (A) in the matter preceding paragraph (1),
14 by striking “part” and inserting “subpart”; and

15 (B) in paragraph (2)(B), by striking
16 “part” and inserting “subpart”; and

17 (3) in section 8574 (20 U.S.C. 7974), by strik-
18 ing “part” each place the term appears and insert-
19 ing “subpart”.

20 (c) REPEAL.—The Pro-Children Act of 1994 (20
21 U.S.C. 6081 et seq.) is repealed.