

116TH CONGRESS
1ST SESSION

S. 1541

To increase the minimum age for sale of tobacco products to 21.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2019

Mr. MCCONNELL (for himself and Mr. KAINE) introduced the following bill;
which was read twice and referred to the Committee on Health, Edu-
cation, Labor, and Pensions

A BILL

To increase the minimum age for sale of tobacco products
to 21.

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 “Tobacco-Free Youth
5 Act”.

6 **SEC. 2. MINIMUM AGE OF SALE OF TOBACCO PRODUCTS.**

7 (a) ESTABLISHING MINIMUM AGE OF 21 FOR SALE
8 OF TOBACCO PRODUCTS.—Section 1926 of the Public
9 Health Service Act (42 U.S.C. 300x–26) is amended—

1 (1) in the section heading, by striking “**AGE OF**
 2 **18**” and inserting “**AGE OF 21**”;

3 (2) by striking “age of 18” each place such
 4 phrase appears and inserting “age of 21”;

5 (3) in subsection (a)—

6 (A) in paragraph (1), by striking “fiscal
 7 year 1994” and inserting “fiscal year 2021”;
 8 and

9 (B) in paragraph (2)—

10 (i) by striking “fiscal year 1993” and
 11 inserting “fiscal year 2020”;

12 (ii) by striking “fiscal year 1994” and
 13 inserting “fiscal year 2021”; and

14 (iii) by striking “fiscal year 1995”
 15 and inserting “fiscal year 2022”; and

16 (4) in subsection (d)—

17 (A) in paragraph (1), by striking “1995”
 18 and inserting “2022”;

19 (B) in paragraph (2)—

20 (i) by striking “1994” and inserting
 21 “2021”; and

22 (ii) by striking the period and insert-
 23 ing “; and”;

1 (C) by redesignating paragraphs (1) and
 2 (2) as subparagraphs (A) and (B), respectively,
 3 and adjusting the margins accordingly;

4 (D) by striking “this section, the term”
 5 and inserting “this section—
 6 “(1) the term”; and

7 (E) by adding at the end the following:

8 “(2) the term ‘tobacco product’ has the mean-
 9 ing given such term in section 201(rr) of the Fed-
 10 eral Food, Drug, and Cosmetic Act.”.

11 (b) FDA.—

12 (1) IN GENERAL.—Section 906(d) of the Fed-
 13 eral Food, Drug, and Cosmetic Act (21 U.S.C.
 14 387f(d)) is amended—

15 (A) in paragraph (3)(A)(ii), by striking
 16 “18 years” and inserting “21 years”; and

17 (B) by adding at the end the following:

18 “(5) MINIMUM AGE OF SALE.—It shall be un-
 19 lawful for any retailer to sell a tobacco product to
 20 any person younger than 21 years of age, consistent
 21 with section 1140.14 of title 21, Code of Federal
 22 Regulations (or any successor regulations).”.

23 (2) REGULATIONS.—Not later than 180 days
 24 after the date of enactment of this Act, the Sec-
 25 retary of Health and Human Services shall update

1 regulations issued under chapter IX of the Federal
2 Food, Drug, and Cosmetic Act (21 U.S.C. 387 et
3 seq.) as appropriate to carry out the amendments
4 made by paragraph (1).

5 (c) NON-PREEMPTION.—Nothing in the amendments
6 made by subsection (a) or (b) shall be construed to prevent
7 a State or local governmental entity from establishing, en-
8 forcing, or maintaining a law with respect to sales of to-
9 bacco products to individuals below a minimum age, pro-
10 vided that such State or local law is in addition to, or
11 more stringent than, Federal law.

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