

116TH CONGRESS
1ST SESSION

S. _____

To apply requirements relating to delivery sales of cigarettes to delivery sales of electronic nicotine delivery systems, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To apply requirements relating to delivery sales of cigarettes to delivery sales of 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 “Preventing Online
5 Sales of E-Cigarettes to Children Act”.

6 **SEC. 2. AMENDMENTS TO THE JENKINS ACT.**

7 (a) IN GENERAL.—The Act entitled “An Act to assist
8 States in collecting sales and use taxes on cigarettes”, ap-
9 proved October 19, 1949 (commonly known as the “Jen-
10 kins Act”) (15 U.S.C. 375 et seq.), is amended —

1 (1) in section 1 (15 U.S.C. 375)—

2 (A) in paragraph (2)(A)(ii)—

3 (i) by striking “includes roll-your-own
4 tobacco” and inserting the following: “in-
5 cludes—

6 “(I) roll-your-own tobacco”;

7 (ii) in subclause (I), as so designated,
8 by striking the period at the end and in-
9 serting “; and”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(II) an electronic nicotine deliv-
13 ery system.”;

14 (B) by redesignating paragraphs (7)
15 through (14) as paragraphs (8) through (15),
16 respectively; and

17 (C) by inserting after paragraph (6) the
18 following:

19 “(7) ELECTRONIC NICOTINE DELIVERY SYS-
20 TEM.—The term ‘electronic nicotine delivery sys-
21 tem’—

22 “(A) means any electronic device that,
23 through an aerosolized solution, delivers nico-
24 tine, flavor, or any other substance to the user
25 inhaling from the device;

1 “(B) includes—

2 “(i) an e-cigarette;

3 “(ii) an e-hookah;

4 “(iii) an e-cigar;

5 “(iv) a vape pen;

6 “(v) an advanced refillable personal
7 vaporizer;

8 “(vi) an electronic pipe; and

9 “(vii) any component, liquid, part, or
10 accessory of a device described in subpara-
11 graph (A), without regard to whether the
12 component, liquid, part, or accessory is
13 sold separately from the device; and

14 “(C) does not include a product that is—

15 “(i) approved by the Food and Drug
16 Administration for—

17 “(I) sale as a tobacco cessation
18 product; or

19 “(II) any other therapeutic pur-
20 pose; and

21 “(ii) marketed and sold solely for a
22 purpose described in clause (i).”; and

23 (2) in section 2A(b)(1) (15 U.S.C. 376a(b)(1)),
24 by inserting “NICOTINE/” after “CIGARETTES/
25 ”.

1 (b) EFFECTIVE DATE.—This section, and the amend-
2 ments made by this section, shall take effect on the date
3 that is 90 days after the date of enactment of this Act.

4 **SEC. 3. NONMAILABILITY OF ELECTRONIC NICOTINE DE-**
5 **LIVERY SYSTEMS.**

6 (a) REGULATIONS.—Not later than 120 days after
7 the date of enactment of this Act, the United States Postal
8 Service shall promulgate regulations to clarify the applica-
9 bility of the prohibition on mailing of cigarettes under sec-
10 tion 1716E of title 18, United States Code, to electronic
11 nicotine delivery systems, in accordance with the amend-
12 ment to the definition of “cigarette” made by section 2.

13 (b) EFFECTIVE DATE.—The prohibition on mailing
14 of cigarettes under section 1716E of title 18, United
15 States Code, shall apply to electronic nicotine delivery sys-
16 tems on and after the date on which the United States
17 Postal Service promulgates regulations under subsection
18 (a) of this section.