

## **Information on a Possible Comment Letter from the H.H.S. Interim Committee to the F.D.A. on its Proposed Tobacco Regulations**

At the May H.H.S. Interim Committee meeting, the committee expressed a desire to submit a comment letter on the F.D.A.'s recently-issued proposed regulations on tobacco products and e-cigarettes. Below are arguments Rep. Ray requested that the committee include in its letter, and a sample of areas on which the F.D.A. requested comment in the proposed regulations.

### Rep. Ray's Proposed H.H.S. Committee Comments to the F.D.A. Proposed Tobacco Rules

The committee recommends that the FDA:

- (1) Ban sales of flavored e-cigarette liquid to minors, even where the flavored e-cigarette liquid does not contain nicotine. Flavored e-cigarette liquid leads to initiation of minors into the use of e-cigarettes with liquid containing nicotine, and to e-cigarette addiction. If the FDA does not have the statutory authority to regulate e-cigarette liquid not containing nicotine, recommend that Congress grant the FDA the necessary authority.
- (2) Implement age restrictions on the sale of e-cigarettes and e-cigarette components to minors as recommended in the proposed regulations.
- (3) On the spectrum of tobacco products, treat e-cigarettes and e-cigarette components the same as cigarettes. That is, regulate e-cigarettes and e-cigarette components as strictly as, and not less strictly than, cigarettes.
- (4) Place a uniform nicotine addiction warning on all tobacco products, including e-cigarettes and e-cigarette components.

### A sample of topics on which the FDA requested comment in the proposed regulations:

- (1) How should e-cigarettes be regulated on the continuum of nicotine-delivering products? Should e-cigarettes be regulated some, but perhaps regulated less strictly than cigarettes? Cigars?
- (2) How should the FDA define components/parts of tobacco products, and how should those items be distinguished from tobacco product accessories? Which e-cigarette paraphernalia items should be considered "components" (and thus regulated) and which should be considered "accessories" (and thus not regulated)? Should e-cigarette liquid that does not contain nicotine be regulated?
- (3) How should the FDA regulate e-cigarettes in a way that is appropriate for the protection of the public health but also keeps costs low for manufacturers?
- (4) Should *all* tobacco products (including e-cigarettes) be required to carry an addiction warning? If so, should different products be required to carry different warnings?
- (5) How will the proposed regulations effect small businesses?