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, Education, 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) in the section heading, by striking “AGE OF 18” and inserting “AGE OF 21”;

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

(3) in subsection (a)—

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

(B) in paragraph (2)—

(i) by striking “fiscal year 1993” and inserting “fiscal year 2020”; (ii) by striking “fiscal year 1994” and inserting “fiscal year 2021”; and (iii) by striking “fiscal year 1995” and inserting “fiscal year 2022”; and

(4) in subsection (d)—

(A) in paragraph (1), by striking “1995” and inserting “2022”; (B) in paragraph (2)—

(i) by striking “1994” and inserting “2021”; and (ii) by striking the period and inserting “; and”;
(C) by redesignating paragraphs (1) and
(2) as subparagraphs (A) and (B), respectively,
and adjusting the margins accordingly;
(D) by striking “this section, the term”
and inserting “this section—
“(1) the term”; and
(E) by adding at the end the following:
“(2) the term ‘tobacco product’ has the mean-
ing given such term in section 201(rr) of the Fed-
eral Food, Drug, and Cosmetic Act.”.
(b) FDA.—
(1) IN GENERAL.—Section 906(d) of the Fed-
eral Food, Drug, and Cosmetic Act (21 U.S.C.
387f(d)) is amended—
(A) in paragraph (3)(A)(ii), by striking
“18 years” and inserting “21 years”; and
(B) by adding at the end the following:
“(5) MINIMUM AGE OF SALE.—It shall be un-
lawful for any retailer to sell a tobacco product to
any person younger than 21 years of age, consistent
with section 1140.14 of title 21, Code of Federal
Regulations (or any successor regulations).”.
(2) REGULATIONS.—Not later than 180 days
after the date of enactment of this Act, the Sec-
retary of Health and Human Services shall update
regulations issued under chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387 et seq.) as appropriate to carry out the amendments made by paragraph (1).

(c) NON-PREEMPTION.—Nothing in the amendments made by subsection (a) or (b) shall be construed to prevent a State or local governmental entity from establishing, enforcing, or maintaining a law with respect to sales of tobacco products to individuals below a minimum age, provided that such State or local law is in addition to, or more stringent than, Federal law.