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116TH CONGRESS
2D SESSION

H. R. 5963

To amend the Federal Food, Drug, and Cosmetic Act with respect to reporting of consumer complaints by electronic nicotine dispenser system manufacturers and importers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2020

Mr. KRISHNAMOORTHI (for himself and Mrs. CAROLYN B. MALONEY of New York) introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To amend the Federal Food, Drug, and Cosmetic Act with respect to reporting of consumer complaints by electronic nicotine dispenser system manufacturers and importers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''E-Cigarette Oversight and Accountability Act of 2020''.

SEC. 2. REPORTING OF CONSUMER COMPLAINTS BY ENDS MANUFACTURERS AND IMPORTERS.

Section 904 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 287d) is amended by adding at the end the following new subsection:

''(f) REPORTING OF CONSUMER COMPLAINTS BY ENDS MANUFACTURERS AND IMPORTERS.—

''(1) IN GENERAL.—Not later than the date that is 1 year after the date of enactment of the E-Cigarette Oversight and Accountability Act of 2020, and annually thereafter, each manufacturer or importer of an electronic nicotine delivery system shall submit a report to the Secretary describing each consumer complaint received by the manufacturer or importer during the reporting period with respect to such system.

''(2) COMPLAINTS INCLUDED.—The consumer complaints to be reported under paragraph (1) shall include complaints regarding—

''(A) adverse health effects associated with use of the electronic nicotine delivery system;

''(B) problematic marketing techniques associated with the electronic nicotine delivery system; and

''(C) the illegal presence or offering for sale of the electronic nicotine delivery system in a retail facility or online.

''(3) CONSUMER PRIVACY.—The Secretary—

''(A) shall maintain the confidentiality of any individually identifiable consumer information reported pursuant to this subsection; and

''(B) shall not require the inclusion of any such information in a report under this subsection.''.

SEC. 3. PUBLIC AVAILABILITY OF APPROVED PREMARKET APPLICATIONS FOR CERTAIN TOBACCO PRODUCTS.

Subsection (c) of section 910 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 387j) is amended by adding at the end the following new paragraph:

''(6) PUBLIC AVAILABILITY.—The Secretary shall establish, and update every 30 days, a publicly available database that contains a list of all tobacco products for which an order under paragraph (1)(A)(i) (authorizing the product to be introduced or delivered for introduction into interstate commerce) is in effect.''.

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