



For Immediate Release

Thursday, February 9, 2023

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Rep. Cherfilus-McCormick Introduces Legislation to Protect Children From Flavored Disposable E-Cigarettes

Washington, D.C. – Today, Rep. Shelia Cherfilus-McCormick (D-FL) introduced the *Disposable ENDS Product Enforcement Act of 2023* to close the Trump Administration’s loophole on disposable electronic nicotine delivery systems (ENDS) (i.e., disposable vapes) containing flavors specifically intended to entice our children into becoming hooked on nicotine for life.

“As the mother of two children and a former healthcare executive, I am pleased to introduce this critical legislation,” said **Rep. Cherfilus-McCormick**. “Too many of our youth are forming nicotine addictions, increasing their risk of future addiction to other drugs. I am even more troubled by the fact that Chinese manufacturers and suppliers are flooding the U.S. market with unregulated, harmful substances that are altering our children’s brain development and lives. I am calling on the Biden Administration to close this harmful loophole for the sake of our youth and to put an end to this national epidemic.”

The *Disposable ENDS Product Enforcement Act of 2023* directs the Secretary of Health and Human Services to update the guidance under Section 2 of the Federal Food, Drug, and Cosmetic Act to describe how the agency will prioritize enforcement against disposable ENDS products, including non-tobacco-derived nicotine products.

Rep. Cherfilus-McCormick is helping to lead the charge in Congress to encourage the Biden Administration to close a loophole created by the Trump Administration that allows for the sale of flavored e-cigarettes if the delivery device is disposable. In 2020, the Trump Administration took a half-step forward by prohibiting the sale of flavored e-cigarettes such as fruity pebbles and bubble gum, but only for e-cigarettes that required a cartridge refill. This left an opening for companies to swoop in and sell disposable versions of the e-cigarettes with the very same flavors intended to be taken off the shelves to protect our children.

According to the 2022 National Youth Tobacco Survey published by the Food and Drug Administration and the Centers for Disease Control and Prevention, disposable e-cigarettes are the device currently most used by youth. That number has skyrocketed since the loophole was created by the Trump Administration in 2020 and is causing a public health crisis among our children.

In Florida, roughly 1,750 youth under the age of 18 become new daily smokers each year. Additionally, statistics show that 270,000 youth under the age of 18 who are alive in Florida will ultimately die prematurely from smoking.

In 2015, Broward County, which is in Rep. Cherfilus-McCormick's district, banned the use of e-cigarettes in county facilities. However, since flavored disposable e-cigarettes are still available under federal law, thanks to the Trump Administration's loophole, they can be sold outside the city limits and made readily available to the children of Broward County.

This is evident because an estimated 15.8% of youth in Broward currently use e-cigarettes. To counter this epidemic, Broward County Public Schools developed a tiered curriculum structure for students to provide greater awareness regarding prevention and intervention resources.

Rep. Cherfilus-McCormick is determined to work with the Biden Administration to close the flavored disposable e-cigarette loophole and is dedicated to the safety and security of our future generations.

The legislation has been endorsed by the American Heart Association.

“The American Heart Association appreciates Rep. Cherfilus-McCormick's leadership to close the disposable e-cigarette loophole, which has kept dangerous products with kid-friendly flavors on the market and easily accessible to our nation's youth. Big Tobacco has been successfully manipulating loopholes such as this one in its ongoing attempts to hook youth and adults to its harmful products. The *Disposable ENDS Product Enforcement Act* will provide FDA with a vital tool to hold the tobacco industry accountable and move us one step closer to the Tobacco Endgame,” said **Mark Schoeberl, Executive Vice President, Advocacy, American Heart Association.**

[READ THE FULL TEXT OF THE BILL](#)

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