



**BI-PARTISAN AMENDMENT TO CHANGE THE PREDICATE DATE IS  
APPROVED BY CONGRESSIONAL HOUSE COMMITTEE**

**Today, the Vapor Technology Association took a huge first step in executing on its mission to broadly protect all in the vapor industry from the FDA's one-size-fits-all rules.**

**By the Numbers**

- 02: The # of co-sponsors - Rep. Tom Cole (R-OK) and Rep. Sanford Bishop (D-GA) – who joined forces today to introduce and pass the critical amendment to change the predicate date and protect the vapor industry.
- 31: The # of votes in favor of the Cole-Bishop amendment.
- 02: The # of Democrats who spoke and voted in support of our issue.
- 01: The doctor – Rep. Andy Harris (R-MD) – who elegantly stated how vapor products are life changing.
- 99: The percentage of companies that won't go out of business if we pass the Cole-Bishop amendment into law.

**The Cole-Bishop Amendment**

- Moves the predicate date from February 2007 to the date of enactment of the Deeming Regulation (i.e., at some point in the future).
  - This single change, which will save 99% of the industry, has been and is the top priority of VTA.
  - This change will allow every vapor company to continue to sell their *existing products* without the having to file costly and burdensome applications that would drive them under.
  - This change will keep our vibrant industry alive while we establish a rational regulatory scheme.
- Requires FDA to start, within 12 months, a new rule making process for product standards on batteries and to complete that process within 24 months after the Deeming Regulation is finalized.
  - To be clear, the FDA already has the power to regulate batteries.
  - In light of all the recent news stories, the FDA most certainly will be doing so.
  - Established battery standards, already followed by the industry, can and should be promoted.
  - This change addresses one of our opponents' chief concerns – product safety – and is central to achieving bi-partisan support.
- Limits newspaper, magazine or other print advertising of vapor products to adult publications (i.e., those with 85% readership over 18 or with fewer than 2M readers under 18)
  - This change addresses one of our opponents' chief concerns – marketing to youth – and is central to achieving bi-partisan support.
- Requires face-to-face sales at retail, banning self-service displays and vending machines, but expressly *exempts* mail-order sales and vape shops or other establishments that prevent persons under 18 years from entering.
  - This change addresses another of our opponents' chief concerns – youth access – and is central to achieving bi-partisan support.
- Requires the FDA to issue regulations within 12 months requiring labels to include, "Keep Out of Reach of Children," "Underage Sale Prohibited," and accurate nicotine content.
  - This provision codifies what has essentially become industry standard labelling.
- Requires retailers to register their establishment with the government, unless the retailer already is required to register under a state law or federal law.
  - This provision provides the government with some way to enforce the new law.