

103^D CONGRESS
1ST SESSION

H. R. 3025

To prohibit the distribution of free samples of smokeless tobacco products
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 1993

Mrs. SCHROEDER (for herself, Mr. DURBIN, Mr. SYNAR, and Ms. NORTON)
introduced the following bill; which was referred to the Committee on
Energy and Commerce

A BILL

To prohibit the distribution of free samples of smokeless
tobacco products and for other purposes.

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 “Smokeless Tobacco
5 Distribution Control Act of 1993”.

6 **SEC. 2. PROHIBITION.**

7 (a) IN GENERAL.—It shall be unlawful within the
8 United States for the manufacturer, packager, or distribu-
9 tor of smokeless tobacco products to distribute or cause
10 to be distributed any smokeless tobacco product as a free

1 sample or to make any smokeless tobacco product avail-
2 able at no or reduced cost through the use of coupons or
3 other promotional method.

4 (b) DEFINITION.—As used in this Act, the term
5 “smokeless tobacco” means any finely cut, ground, pow-
6 dered, or leaf tobacco that is intended to be placed in the
7 oral cavity.

8 **SEC. 3. ENFORCEMENT.**

9 (a) IN GENERAL.—

10 (1) The Secretary of Health and Human Serv-
11 ices may issue such regulations as may be appro-
12 priate for the implementation of section 2.

13 (2) In carrying out the Secretary’s duties under
14 this Act, the Secretary shall, as appropriate, consult
15 with such experts as may have appropriate training
16 and experience in the matters subject to such duties.

17 (3) The Secretary shall monitor compliance
18 with the requirements of section 2.

19 (4) The Secretary shall recommend to the At-
20 torney General such enforcement actions as may be
21 appropriate.

22 (b) INJUNCTION.—

23 (1) The district courts of the United States
24 shall have jurisdiction over civil actions brought to
25 restrain violations of section 2. Such a civil action

1 may be brought in the United States district court
2 for the judicial district in which any substantial por-
3 tion of the violation occurred or in which the defend-
4 ant is found or transacts business. In such a civil ac-
5 tion, process may be served on a defendant in any
6 judicial district in which the defendant resides or
7 may be found and subpoenas requiring attendance of
8 witnesses in any such action may be served in any
9 judicial district.

10 (2) Any interested organization may bring a
11 civil action described in paragraph (1). If such an
12 organization substantially prevails in such an action,
13 the court may award it reasonable attorney's fees
14 and expenses. For purposes of this paragraph, the
15 term "interested organization" means any nonprofit
16 organization one of whose purposes, and a substan-
17 tial part of its activities, include the reduction in the
18 use of tobacco products.

19 (c) CIVIL PENALTY.—Any person who manufactures,
20 packages, or distributes any smokeless tobacco product in
21 violation of section 2 shall be subject to a civil penalty
22 of not more than \$100,000 for each violation per day.

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