

105TH CONGRESS
2D SESSION

S. 2625

To impose restrictions on the sale of cigars.

IN THE SENATE OF THE UNITED STATES

OCTOBER 12 (legislative day, OCTOBER 2), 1998

Mr. DURBIN introduced the following bill; which was read twice and referred
to the Committee on Commerce, Science, and Transportation

A BILL

To impose restrictions on the sale of cigars.

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 “Cigars Are Not A Safe
5 Smoking Alternative Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Available scientific evidence demonstrates
9 that regular cigar smoking causes cancer, including
10 cancers of the lip, tongue, mouth, throat, esophagus,
11 larynx, and lung.

1 (2) That same evidence demonstrates that
2 heavy cigar smokers and those who inhale deeply are
3 at an increased risk of coronary heart disease and
4 can develop chronic lung diseases.

5 (3) Cigar use in the United States has risen
6 dramatically by nearly 50 percent over the last 5
7 years. Small cigar consumption has increased by an
8 estimated 13 percent, large cigar consumption has
9 increased by an estimated 68 percent, and premium
10 cigar consumption has increased by an estimated
11 250 percent.

12 (4) Demographic evidence strongly suggests
13 that most new cigar users are teenagers and young
14 males. Data from the Centers for Disease Control
15 and Prevention 1997 Youth Risk Behavior Survey
16 indicates that among high school students over 30
17 percent of the males and 10 percent of the females
18 are current cigar smokers

19 (5) Smoking cigars is not a safe alternative to
20 smoking cigarettes. Compared to a cigarette, a large
21 cigar emits up to 20 times more ammonia, 5 to 10
22 times more cadmium (cancer causing metal) and
23 methylethyl nitrosamine (cancer causing agent), and
24 up to 80 to 90 times as much of the highly carcino-
25 genic tobacco-specific nitrosamines. Tar yields are 2

1 to 3 times greater for a cigar than for a filter ciga-
2 rette and nicotine yields are 9 to 12 times greater
3 for a cigar than for a filter cigarette.

4 **SEC. 3. PROHIBITION ON DISTRIBUTION TO YOUTH.**

5 (a) DISTRIBUTION.—

6 (1) GENERAL RULE.—No person may sell or
7 distribute a cigar to any individual who is under the
8 age of 18.

9 (2) LOCATION OF PRODUCTS.—A retailer of ci-
10 gars shall ensure that all cigars are located in areas
11 where customers do not have direct access to the
12 products.

13 (3) FACE-TO-FACE TRANSACTIONS.—A cigar re-
14 tailer may sell cigars to the ultimate consumer only
15 in a direct, face-to-face exchange.

16 (b) MARKETING AND ADVERTISING.—

17 (1) GENERAL RULE.—The Secretary of Health
18 and Human Services shall impose such restrictions
19 on the sale, advertising, distribution, and marketing
20 of cigars directed at youth as may be appropriate to
21 limit the sale of cigars to individuals who are 18
22 years of age or older.

23 (2) ELECTRONIC MEDIA.—Cigars may not be
24 advertised on electronic media, including television,

1 radio, and any other form of electronic communica-
2 tion.

3 (c) SPONSORSHIP.—The Secretary of Health and
4 Human Services shall encourage manufacturers of cigars
5 to end the practice of paying for, or participating in, the
6 placement of cigars in movies and on television where a
7 substantial segment of the viewing audience is under the
8 age of 18 years.

9 (d) DEFINITION.—The term “cigar” means any roll
10 of tobacco wrapped in leaf tobacco or in any substance
11 containing tobacco, including small cigars that weigh less
12 than 3 pounds per thousand and large cigars that weigh
13 more than 3 pounds per thousand.

14 **SEC. 4. HEALTH WARNINGS.**

15 The Secretary of Health and Human Services, acting
16 through the Food and Drug Administration, shall require
17 such health warnings on the labels of cigars, on cigar
18 boxes or other packaging, and on advertising and market-
19 ing materials and messages as may be appropriate to warn
20 cigar users about the health risks presented by cigars.

21 **SEC. 5. STUDIES AND REPORTS.**

22 (a) SECRETARY’S STUDY.—

23 (1) IN GENERAL.—The Secretary of Health and
24 Human Services shall conduct a study—

1 (A) to determine the health effects of occa-
2 sional cigar smoking, nicotine dependence dem-
3 onstrated by cigar smokers, biological uptake of
4 toxic and carcinogenic constituents of cigars,
5 and environmental cigar smoke exposure; and

6 (B) to determine the yields of tar, nicotine,
7 carbon monoxide, and any other additive des-
8 ignated by the Secretary in cigar smoke.

9 Manufacturers of cigars shall report to the Secretary
10 on the yields of tar, nicotine, carbon monoxide, and
11 any other additive designated by the Secretary from
12 cigars when smoked.

13 (2) REPORT.—Not later than 1 year after the
14 date of the enactment of this Act, the Secretary of
15 Health and Human Services shall transmit a report
16 to the President and to Congress containing—

17 (A) findings from the cigar health and con-
18 stituent yield study required under paragraph
19 (1); and

20 (B) such recommendations for legislation
21 or administrative actions as the Secretary
22 deems appropriate.

23 (b) FTC REPORT.—Not later than 1 year after the
24 date of the enactment of this Act and biennially thereafter,

1 the Federal Trade Commission shall transmit a report to
2 the President and to Congress containing—

3 (1) a description of the current sales, advertis-
4 ing, and marketing practices associated with cigars;
5 and

6 (2) such recommendations for legislation or ad-
7 ministrative actions as it deems appropriate.

8 **SEC. 6. MONITORING TRENDS IN YOUTH ACCESS TO CI-**
9 **GARS.**

10 The Secretary of Health and Human Services, in con-
11 sultation with the Federal Trade Commission and the Sec-
12 retary of the Treasury, shall monitor trends in youth ac-
13 cess to, and use of, cigars. If evidence suggests that cigars
14 are inappropriately accessible to children and adolescents,
15 or that smoking cigars is becoming an attractive alter-
16 native to smoking cigarettes for children and adolescents
17 as a result of differential tax and regulatory treatment,
18 sales and marketing practices of cigar manufacturers,
19 changes in consumer tastes, or any other reason, the Sec-
20 retary shall immediately notify Congress and make such
21 recommendations for adjusting tax rates or other legisla-
22 tive or administrative action necessary to ensure that ci-
23 gars cease to be an attractive alternative to cigarettes for
24 children and adolescents.

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