

119TH CONGRESS  
1ST SESSION

# H. R. 2111

To amend the Federal Food, Drug, and Cosmetic Act to exempt the premium cigar industry from certain regulations.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2025

Mr. DONALDS (for himself, Mr. LANGWORTHY, Ms. TITUS, and Mr. PANETTA)  
introduced the following bill; which was referred to the Committee on En-  
ergy and Commerce

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act to  
exempt the premium cigar industry from certain regulations.

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. FINDINGS.**

4       The Congress finds the following:

5               (1) Premium cigars comprise only 1 percent of  
6       all cigars sold in the United States.

7               (2) Most manufacturers of premium cigars are  
8       family-owned small businesses.

1           (3) Premium cigars are typically sold in age-  
2           controlled retail establishments, such as tobacco spe-  
3           cialty shops or cigar bars.

4           (4) At the request of the Food and Drug Ad-  
5           ministration and the National Institutes of Health,  
6           the National Academies of Sciences, Engineering,  
7           and Medicine (in this section referred to as the  
8           “NASEM”) convened an expert committee to exam-  
9           ine 4 premium cigar topics: product characteristics,  
10          patterns of use, marketing and perceptions, and  
11          health effects.

12          (5) The NASEM expert committee produced a  
13          resulting report, published in 2022 and titled “Pre-  
14          mium Cigars: Patterns of Use, Marketing, and  
15          Health Effects”, which among other things, identi-  
16          fied numerous facts regarding premium cigar use.

17          (6) The NASEM expert committee found that  
18          premium cigars are only used by about 1 percent of  
19          the United States adult population.

20          (7) The NASEM expert committee found that  
21          premium cigar use is less common among youth  
22          than among other users and only 0.6 percent of  
23          those who reported smoking a premium cigar were  
24          under 18 years of age.

1           (8) The NASEM expert committee found that  
2           premium cigar use is less common among women,  
3           non-Hispanic Black persons, and persons with less  
4           than a high school education than other users.

5           (9) The NASEM expert committee found that  
6           premium cigar users are less likely to smoke ciga-  
7           rettes or other cigar types concurrently than other  
8           cigar type users.

9           (10) The NASEM expert committee found that  
10          the frequency and intensity of smoking is lower for  
11          premium cigars compared to other types of cigars  
12          and cigarettes.

13          (11) The NASEM expert committee found that  
14          as compared to users of other types of cigars, pre-  
15          mium cigar users are more likely to be never or  
16          former cigarette smokers.

17          (12) The NASEM expert committee found that  
18          there is strongly suggestive evidence that the health  
19          consequences of premium cigar smoking overall are  
20          likely to be less than those of smoking other types  
21          of cigars because the majority of premium cigar  
22          smokers are nondaily or occasional users and be-  
23          cause they are unlikely to inhale the smoke.

24          (13) The NASEM expert committee found that  
25          premium cigars are used virtually exclusively by

1 adults, premium cigar use is extremely limited, and  
2 premium cigar use poses less physical risk than the  
3 use of other tobacco products.

4 (14) The definition of premium cigar used by  
5 the NASEM expert committee is broader and would  
6 encompass a larger class of cigars than the defini-  
7 tion adopted by Judge Amit P. Mehta, of the United  
8 States District Court for the District of Columbia,  
9 in a recent decision striking the latest attempt by  
10 the Food and Drug Administration to regulate pre-  
11 mium cigars.

12 (15) The narrower definition adopted by Judge  
13 Mehta is the definition that would apply if this bill  
14 were enacted.

15 (16) The District Court concluded that the few  
16 health risks posed by premium cigars can be regu-  
17 lated at the State level.

18 **SEC. 2. EXEMPTION OF PREMIUM CIGARS FROM CERTAIN**  
19 **TOBACCO REGULATION IN FEDERAL FOOD,**  
20 **DRUG, AND COSMETIC ACT.**

21 Section 201(rr) of the Federal Food, Drug, and Cos-  
22 metic Act (21 U.S.C. 321(rr)) is amended by adding at  
23 the end the following:

24 “(6)(A) The term ‘tobacco product’ does not mean  
25 a premium cigar.

1       “(B) In clause (A), the term ‘premium cigar’ means  
2 a cigar that—

3               “(i) is wrapped in whole tobacco leaf;

4               “(ii) contains a 100 percent leaf tobacco binder;

5               “(iii) contains at least 50 percent (of the filler  
6 by weight) long filler tobacco (whole tobacco leaves  
7 that run the length of the cigar);

8               “(iv) is handmade or hand rolled, meaning no  
9 machinery was used apart from simple tools, such as  
10 scissors to cut the tobacco prior to rolling;

11               “(v) has no filter, nontobacco tip, or nontobacco  
12 mouthpiece;

13               “(vi) does not have a characterizing flavor other  
14 than tobacco;

15               “(vii) contains only tobacco, water, and vege-  
16 table gum with no other ingredients or additives;  
17 and

18               “(viii) weighs more than 6 pounds per 1,000  
19 units.”.

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