

105TH CONGRESS  
2D SESSION

# H. R. 3889

To amend the Federal Food, Drug, and Cosmetic Act to strengthen controls  
over tobacco.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 14, 1998

Mr. UPTON introduced the following bill; which was referred to the Committee  
on Commerce

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act to  
strengthen controls over tobacco.

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 “Teen Tobacco Use Pre-  
5       vention Act of 1998”.

6       **SEC. 2. TOBACCO PRODUCT REGULATION.**

7       (a) AMENDMENT.—The Federal Food, Drug, and  
8       Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

9               (1) by redesignating chapter IX as chapter X;

1           (2) by redesignating sections 901, 902, 903,  
2           904, and 905 as sections 1001, 1002, 1003, 1004,  
3           and 1005, respectively; and

4           (3) by adding after chapter VIII the following  
5           new chapter:

6   “CHAPTER IX—HEALTH AND SAFETY REGU-  
7       LATORY REQUIREMENTS RELATING TO TO-  
8       BACCO PRODUCTS

9   **“SEC. 900. DEFINITIONS.**

10       “In this chapter:

11           “(1) CIGARETTE.—The term ‘cigarette’ means  
12           any product which contains nicotine, is intended to  
13           be burned under ordinary conditions of use, and con-  
14           sists of—

15               “(A) any roll of tobacco wrapped in paper  
16               or in any substance not containing tobacco; and

17               “(B) any roll of tobacco wrapped in any  
18               substance containing tobacco which, because of  
19               its appearance, the type of tobacco used in the  
20               filler, or its packaging and labeling, is likely to  
21               be offered to, or purchased by, consumers as a  
22               cigarette described in subparagraph (A).

23           “(2) CIGARETTE TOBACCO.—The term ‘ciga-  
24           rette tobacco’ means any product that consists of  
25           loose tobacco that contains or delivers nicotine and

1 is intended for use by persons in a cigarette. Unless  
2 otherwise stated, the requirements of this title per-  
3 taining to cigarettes shall also apply to cigarette to-  
4 bacco.

5 “(3) NICOTINE.—The term ‘nicotine’ means the  
6 chemical substance named 3-(1-Methyl-2-  
7 pyrrolidinyl)pyridine or  $C_{10}H_{14}N_2$ , including any salt  
8 or complex of nicotine.

9 “(4) SMOKELESS TOBACCO.—The term ‘smoke-  
10 less tobacco’ means any product that consists of cut,  
11 ground, powdered, or leaf tobacco that contains nico-  
12 tine and that is intended to be placed in the oral  
13 or nasal cavity.

14 “(5) TAR.—The term ‘tar’ means mainstream  
15 total particulate matter minus nicotine and water.

16 “(6) TOBACCO ADDITIVE.—The term ‘tobacco  
17 additive’ means any substance the intended use of  
18 which results or may reasonably be expected to re-  
19 sult, directly or indirectly, in the substance becoming  
20 a component of, or otherwise affecting the character-  
21 istics of, any tobacco product, including any sub-  
22 stance that may have been removed from the tobacco  
23 product and then readded in the substance’s original  
24 or modified form.

1           “(7) TOBACCO PRODUCT.—The term ‘tobacco  
2           product’ means cigarettes and smokeless tobacco  
3           products.

4   **“Subchapter A—Tobacco Product Regulation**

5   **“SEC. 902. CONSTITUENT LABELING.**

6           “(a) IN GENERAL.—The Secretary shall by regula-  
7           tion require the manufacturer of tobacco products to in-  
8           clude, in accordance with subsection (c), on a label on the  
9           package of the products the amount of tar and nicotine  
10          in the tobacco products and the amount of carbon mon-  
11          oxide produced by such products.

12          “(b) REGULATIONS.—The Secretary may by regula-  
13          tion require the manufacturer of tobacco products to in-  
14          clude, in accordance with subsection (c), on a label on the  
15          package of the products constituents in addition to the  
16          constituents described in subsection (a) if the Secretary  
17          determines that identification of such constituents is nec-  
18          essary for the protection of the public health.

19          “(c) COMMON OR USUAL NAMES.—The Secretary  
20          shall promulgate regulations requiring the disclosure to  
21          the public of the common or usual name of each ingredient  
22          (other than tobacco, water, or reconstituted tobacco sheet  
23          made wholly from tobacco) contained in a tobacco product  
24          in descending order of predominance by weight, except  
25          that such regulations—

1 “(1) may provide for the disclosure of spices,  
2 flavorings, and colorings without naming each spice,  
3 flavoring, or coloring; and

4 “(2) may exempt from disclosure incidental ad-  
5 ditives, including processing aids and chemical pre-  
6 servatives, that are present in a tobacco product at  
7 insignificant levels that the Secretary determines do  
8 not have any functional effect or health risk.

9 **“SEC. 903. TOBACCO PRODUCT LABELING, WARNING, AND**  
10 **PACKAGING STANDARDS.**

11 “(a) CIGARETTES.—

12 “(1) PACKAGING.—It shall be unlawful for any  
13 person to manufacture, package, or import for sale  
14 or distribution within the United States any ciga-  
15 rettes the package of which fails to bear, in accord-  
16 ance with the requirements of this subsection, one of  
17 the following statements:

18 “WARNING: Cigarettes Are Addictive.

19 “WARNING: Tobacco Smoke Can Harm Your  
20 Children.

21 “WARNING: Cigarettes Cause Fatal Lung  
22 Disease.

23 “WARNING: Cigarettes Cause Cancer.

24 “WARNING: If You Think Smoking Is Cool,  
25 You Are Dead Wrong.

1           “WARNING: Cigarettes Cause Strokes And  
2           Heart Disease.

3           “WARNING: Smoking During Pregnancy Can  
4           Harm Your Baby.

5           “WARNING: Smoking Can Kill You.

6           “WARNING: Tobacco Smoke Causes Fatal  
7           Lung Disease In Nonsmokers.

8           “WARNING: Quitting Smoking Now Greatly  
9           Reduces Serious Risks To Your Health.

10          “(2) REQUIREMENTS FOR LABEL STATE-  
11          MENTS.—

12                 “(A) LOCATION.—Each label statement re-  
13                 quired by paragraph (1) shall be located on the  
14                 upper portion of the front panel of the cigarette  
15                 package (or carton) and occupy not less than  
16                 25 percent of such front panel.

17                 “(B) TYPE AND COLOR.—With respect to  
18                 each label statement required by paragraph (1),  
19                 the phrase ‘WARNING’ shall appear in capital  
20                 letters and the label statement shall be printed  
21                 in 17 point type with adjustments as deter-  
22                 mined appropriate by the Secretary to reflect  
23                 the length of the required statement. All the  
24                 letters in the label statement shall appear in  
25                 conspicuous and legible type, in contrast by ty-

pography, layout, or color with all other printed material on the package, and be printed in an alternating black-on-white and white-on-black format as determined appropriate by the Secretary.

“(C) EXCEPTION.—Paragraph (1) shall not apply in the case of a flip-top cigarette package (offered for sale on the date of enactment of this title) where the front portion of the flip-top does not comprise at least 25 percent of the front panel. In the case of such a package, the label statement required by subparagraph (A) of paragraph (1) shall occupy the entire front portion of the flip top.

“(3) REQUIREMENTS FOR ADVERTISING.—

“(A) IN GENERAL.—It shall be unlawful for any manufacturer or importer of cigarettes to advertise or cause to be advertised within the United States any cigarette unless the advertising bears, in accordance with the requirements of this subsection, one of the following statements:

“WARNING: Cigarettes Are Addictive.

“WARNING: Tobacco Smoke Can Harm Your Children.

1 “WARNING: Cigarettes Cause Fatal Lung  
2 Disease.

3 “WARNING: Cigarettes Cause Cancer.

4 “WARNING: If You Think Smoking Is  
5 Cool, You Are Dead Wrong.

6 “WARNING: Cigarettes Cause Strokes  
7 And Heart Disease.

8 “WARNING: Smoking During Pregnancy  
9 Can Harm Your Baby.

10 “WARNING: Smoking Can Kill You.

11 “WARNING: Tobacco Smoke Causes  
12 Fatal Lung Disease In Nonsmokers.

13 “WARNING: Quitting Smoking Now  
14 Greatly Reduces Serious Risks To Your  
15 Health.

16 “(B) LOCATION.—Each label statement re-  
17 quired by subparagraph (A) shall occupy not  
18 less than 20 percent of the area of the adver-  
19 tisement involved.

20 “(C) TYPE AND COLOR.—

21 “(i) TYPE.—With respect to each  
22 label statement required by subparagraph  
23 (A), the phrase ‘WARNING’ shall appear  
24 in capital letters and the label statement  
25 shall be printed in the following types:



1           “(I) With respect to whole page  
2           advertisements on broadsheet news-  
3           paper—45 point type.

4           “(II) With respect to half page  
5           advertisements on broadsheet news-  
6           paper—39 point type.

7           “(III) With respect to whole page  
8           advertisements on tabloid news-  
9           paper—39 point type.

10          “(IV) With respect to half page  
11          advertisements on tabloid news-  
12          paper—27 point type.

13          “(V) With respect to DPS maga-  
14          zine advertisements—31.5 point type.

15          “(VI) With respect to whole page  
16          magazine advertisements—31.5 point  
17          type.

18          “(VII) With respect to 28cm x 3  
19          column advertisements—22.5 point  
20          type.

21          “(VIII) With respect to 20cm x 2  
22          column advertisements—15 point  
23          type.

1           The Secretary may revise the required type  
2           sizes as the Secretary determines appro-  
3           priate within the 20 percent requirement.

4           “(ii) COLOR.—All the letters in the  
5           label statement under this subparagraph  
6           shall appear in conspicuous and legible  
7           type, in contrast by typography, layout, or  
8           color with all other printed material in the  
9           advertisement, and be printed in an alter-  
10          nating black-on-white and white-on-black  
11          format as determined appropriate by the  
12          Secretary.

13          “(4) ROTATION OF LABEL STATEMENTS.—

14          “(A) IN GENERAL.—Except as provided in  
15          subparagraph (B), the label statements speci-  
16          fied in paragraphs (1) and (2)(A) shall be ro-  
17          tated by each manufacturer or importer of ciga-  
18          rettes quarterly in alternating sequence on  
19          packages of each brand of cigarettes manufac-  
20          tured by the manufacturer or importer and in  
21          the advertisements for each such brand of ciga-  
22          rettes in accordance with a plan submitted by  
23          the manufacturer or importer and approved by  
24          the Secretary. The Secretary shall approve a  
25          plan submitted by a manufacturer or importer

1 of cigarettes which will provide the rotation re-  
2 quired by this paragraph and which assures  
3 that all of the label statements required by  
4 paragraphs (1) and (2)(A) will be displayed by  
5 the manufacturer or importer at the same time.

6 “(B) APPLICATION OF OTHER ROTATION  
7 REQUIREMENTS.—

8 “(i) IN GENERAL.—A manufacturer  
9 or importer of cigarettes may apply to the  
10 Secretary to have the rotation schedule de-  
11 scribed in clause (iii) apply with respect to  
12 a brand style of cigarettes manufactured  
13 or imported by such manufacturer or im-  
14 porter if—

15 “(I) the number of cigarettes of  
16 such brand style sold in the fiscal year  
17 of the manufacturer or importer pre-  
18 ceding the submission of the applica-  
19 tion is less than  $\frac{1}{4}$  of 1 percent of all  
20 the cigarettes sold in the United  
21 States in such year; and

22 “(II) more than  $\frac{1}{2}$  of the ciga-  
23 rettes manufactured or imported by  
24 such manufacturer or importer for  
25 sale in the United States are pack-

1                   aged into brand styles which meet the  
2                   requirements of subclause (I).

3                   If an application is approved by the Sec-  
4                   retary, the rotation schedule described in  
5                   clause (iii) shall apply with respect to the  
6                   applicant during the 1-year period begin-  
7                   ning on the date of the application ap-  
8                   proval.

9                   “(ii) PLAN.—An applicant under  
10                  clause (i) shall include in its application a  
11                  plan under which the label statements  
12                  specified in subparagraph (A) of paragraph  
13                  (1) will be rotated by the applicant manu-  
14                  facturer or importer in accordance with the  
15                  label rotation described in clause (iii).

16                  “(iii) OTHER ROTATION REQUIRE-  
17                  MENTS.—Under the rotation schedule  
18                  which the manufacturer or importer with  
19                  an approved application may put into ef-  
20                  fect, each of the label statements specified  
21                  in paragraph (1) shall appear on the pack-  
22                  ages of each brand style of cigarettes with  
23                  respect to which the application was ap-  
24                  proved an equal number of times within  
25                  the 12-month period beginning on the date

1 of the approval by the Secretary of the ap-  
2 plication.

3 “(5) APPLICATION OF REQUIREMENT.—Para-  
4 graph (1) does not apply to a distributor or retailer  
5 of cigarettes who does not manufacture, package, or  
6 import cigarettes for sale or distribution within the  
7 United States.

8 “(6) TELEVISION AND RADIO ADVERTISING.—It  
9 shall be unlawful to advertise cigarettes and little ci-  
10 gars on any medium of electronic communications  
11 subject to the jurisdiction of the Federal Commu-  
12 nications Commission.

13 “(b) SMOKELESS TOBACCO PRODUCTS.—

14 “(1) IN GENERAL.—

15 “(A) PACKAGING.—It shall be unlawful for  
16 any person to manufacture, package, or import  
17 for sale or distribution within the United States  
18 any smokeless tobacco product the package of  
19 which fails to bear, in accordance with the re-  
20 quirements of this subsection, one of the follow-  
21 ing statements:

22 “WARNING: This Product May Cause  
23 Mouth Cancer.

24 “WARNING: This Product May Cause  
25 Gum Disease And Tooth Loss.

1 “WARNING: This Product Is Not A Safe  
2 Alternative To Cigarettes.

3 “WARNING: Smokeless Tobacco Is Ad-  
4 dictive.

5 “(B) ADVERTISING.—It shall be unlawful  
6 for any manufacturer or importer of smokeless  
7 tobacco products to advertise or cause to be ad-  
8 vertised within the United States any smokeless  
9 tobacco product unless the advertising bears, in  
10 accordance with the requirements of this sub-  
11 section, one of the following statements:

12 “WARNING: This Product May Cause  
13 Mouth Cancer.

14 “WARNING: This Product May Cause  
15 Gum Disease And Tooth Loss.

16 “WARNING: This Product Is Not A Safe  
17 Alternative To Cigarettes.

18 “WARNING: Smokeless Tobacco Is Ad-  
19 dictive.

20 “(2) REQUIREMENTS FOR LABEL STATE-  
21 MENTS.—

22 “(A) LOCATION.—Each label statement re-  
23 quired by subparagraph (A) of paragraph (1)  
24 shall be located on the principal display panel

1 of the product and occupy not less than 25 per-  
2 cent of such panel.

3 “(B) TYPE AND COLOR.—With respect to  
4 each label statement required by subparagraph  
5 (A) of paragraph (1), the phrase ‘WARNING’  
6 shall appear in capital letters and the label  
7 statement shall be printed in 17 point type with  
8 adjustments as determined appropriate by the  
9 Secretary to reflect the length of the required  
10 statement. All the letters in the label statement  
11 shall appear in conspicuous and legible type in  
12 contrast by typography, layout, or color with all  
13 other printed material on the package and be  
14 printed in an alternating black on white and  
15 white on black format as determined appro-  
16 priate by the Secretary.

17 “(3) ADVERTISING AND ROTATION.—The provi-  
18 sions of paragraphs (3) and (4)(A) of subsection (a)  
19 shall apply to advertisements for smokeless tobacco  
20 products and the rotation of the statements required  
21 under paragraph (1)(A) on such products.

22 “(4) APPLICATION OF REQUIREMENT.—Para-  
23 graph (1) does not apply to a distributor or retailer  
24 of smokeless tobacco products who does not manu-

1       facture, package, or import such products for sale or  
2       distribution within the United States.

3               “(5) TELEVISION AND RADIO ADVERTISING.—It  
4       shall be unlawful to advertise smokeless tobacco on  
5       any medium of electronic communications subject to  
6       the jurisdiction of the Federal Communications  
7       Commission.

8               “(c) STATEMENT OF INTENDED USE.—

9               “(1) REQUIREMENT.—Each manufacturer, dis-  
10      tributor, and retailer advertising or causing to be  
11      advertised, disseminating or causing to be dissemi-  
12      nated advertising concerning, tobacco products oth-  
13      erwise permitted under this chapter shall include, in  
14      a type size and format as the Secretary may pre-  
15      scribe in a regulation promulgated under subsection  
16      (d), the established name of the product and a state-  
17      ment of the intended use of the product as provided  
18      for in paragraph (2).

19              “(2) INTENDED USE STATEMENTS.—

20              “(A) CIGARETTES.—A statement of in-  
21      tended use for cigarettes or cigarette tobacco is  
22      as follows (whichever is appropriate):

23              “Cigarettes—A Dangerous Tobacco Product In-  
24      tended For Use Only By Persons 18 or Older.



1 “Cigarette Tobacco—A Dangerous Tobacco  
2 Product Intended For Use Only By Persons 18  
3 or Older.

4 “(B) SMOKELESS TOBACCO.—A statement  
5 of intended use for a smokeless tobacco product  
6 is as follows (whichever is appropriate):

7 “Loose Leaf Chewing Tobacco—A Dangerous  
8 Tobacco Product Intended For Use Only By  
9 Persons 18 or Older.

10 “Plug Chewing Tobacco—A Dangerous To-  
11 bacco Product Intended For Use Only By Per-  
12 sons 18 or Older.

13 “Twist Chewing Tobacco—A Dangerous To-  
14 bacco Product Intended For Use Only By Per-  
15 sons 18 or Older.

16 “Moist Snuff—A Dangerous Tobacco Product  
17 Intended For Use Only By Persons 18 or  
18 Older.

19 “Dry Snuff—A Dangerous Tobacco Product In-  
20 tended For Use Only By Persons 18 or Older.

21 “(d) REGULATIONS.—

22 “(1) IN GENERAL.—Not later than 180 days  
23 after the date of the enactment of this Act, the Sec-  
24 retary shall promulgate such regulations as may be  
25 necessary to implement subsections (a), (b), and (c).

1           “(2) AUTHORITY TO REVISE TOBACCO PRODUCT  
2 LABELING STATEMENTS.—The Secretary may by  
3 rule change the text of any of the statements re-  
4 quired under subsections (a) and (b). A rule promul-  
5 gated under this subparagraph shall not become ef-  
6 fective prior to the expiration of the 1-year period  
7 beginning on the date on which the final rule is pub-  
8 lished in the Federal Register.

9           “(e) PREEMPTION.—No statement relating to the use  
10 of cigarettes or smokeless tobacco products and health,  
11 other than the statements required by subsections (a), (b),  
12 or (c), shall be required on any package or in any adver-  
13 tisement of cigarettes or a smokeless tobacco product.

14           “(f) EXPORTS.—Packages of cigarettes or smokeless  
15 tobacco products manufactured, imported, or packaged—

16           “(1) for export from the United States; or

17           “(2) for delivery to a vessel or aircraft, as sup-  
18 plies, for consumption beyond the jurisdiction of the  
19 internal revenue laws of the United States;

20 shall be exempt from the requirements of this chapter, but  
21 such exemptions shall not apply to cigarettes or smokeless  
22 tobacco products manufactured, imported, or packaged for  
23 sale or distribution to members or units of the Armed  
24 Forces of the United States located outside of the United  
25 States.

1   **“SEC. 904. VENDING MACHINES.**

2           “(a) IN GENERAL.—No manufacturer, distributor, or  
3   retailer may distribute or cause to be distributed any to-  
4   bacco product through a vending machine, except that dis-  
5   tribution may be made through vending machines that are  
6   located in facilities where the retailer ensures that no indi-  
7   viduals under 18 years of age are present or permitted  
8   to enter at any time.

9           “(b) MONITORING.—The Secretary shall, during the  
10   2 year period beginning on the effective date of this Act,  
11   monitor compliance with subsection (a). The Secretary  
12   may propose additional restrictions on vending machine  
13   sales if there is evidence that individuals under the age  
14   of 18 are continuing to purchase tobacco products from  
15   vending machines.

16   **“SEC. 905. MINIMUM AGE.**

17           “(a) PROHIBITION.—No person shall sell or distrib-  
18   ute a tobacco product to an individual under the age of  
19   18 or such higher age as may be prescribed by applicable  
20   State law.

21           “(b) VERIFICATION.—A retailer of tobacco products  
22   shall verify that an individual is 18 or older by checking  
23   identification that includes the individual’s date of birth  
24   and photograph. Such verification shall be made of any  
25   individual age 26 or younger. If a State has in effect a  
26   law which prohibits the sale of tobacco products to individ-

1 uals under age 18, the Secretary may not take enforce-  
2 ment action against a retailer of tobacco products for the  
3 sale in such State of tobacco products without checking  
4 identification as required by this subsection if such a sale  
5 is a face-to-face transaction and is conducted in accord-  
6 ance with such State law to an individual who is of legal  
7 age.

8 “(c) NOTICE.—The Secretary shall notify any retailer  
9 who is found not to be routinely complying with subsection  
10 (b) of such failure of the retailer and of the penalties  
11 under this section.

12 “(d) PENALTIES.—For a violation of subsection  
13 (a)—

14 “(1) if it is a first offense, the Secretary shall  
15 notify the retailer of the violation and warn the re-  
16 tailer of penalties for subsequent violations;

17 “(2) for the second violation, be subject to a  
18 civil penalty of \$250; and

19 “(3) for each subsequent violation, be subject to  
20 a civil penalty which is twice the amount of the pre-  
21 ceding civil penalty.

22 “(e) ENFORCEMENT.—A State shall—

23 “(1) enforce the law described in subsection (a)  
24 systematically and conscientiously and in a manner  
25 that can reasonably be expected to reduce the extent

1 to which tobacco products are available in such  
2 State to individuals under the age of 18;

3 “(2) certify that the State requires enforcement  
4 of such law to be treated as a priority by State and  
5 local law enforcement authorities;

6 “(3) conduct random, unannounced inspections  
7 to ensure compliance with the law described in sub-  
8 section (a); and

9 “(4) annually submit to the Secretary a report  
10 describing—

11 “(A) the activities carried out by the State  
12 to enforce such law;

13 “(B) the steps taken by the State to en-  
14 sure that enforcement of such law was treated  
15 as a priority by State and local law enforcement  
16 authorities;

17 “(C) the extent of success the State has  
18 achieved in reducing the availability of tobacco  
19 products to individuals under the age of 18;  
20 and

21 “(D) the strategies to be utilized by the  
22 State for enforcing such law

23 If a State does not comply with this subsection, the  
24 Secretary may reduce the amount of a grant that the  
25 State is eligible for under section 1926 of the Public

1 Health Service Act. The reduction shall stay in effect until  
2 the State demonstrates to the Secretary that it is comply-  
3 ing with this subsection.

4 **“SEC. 906. SMALL SALES AND SAMPLES.**

5 “(a) PROHIBITION.—No person may distribute or sell  
6 a cigarette individually or in packages of less than 20 and  
7 no person may distribute samples of cigarettes.

8 “(b) PENALTIES.—The penalties prescribed by sec-  
9 tion 905(d) shall apply to violations of subsection (a).

10 **“SEC. 907. DISTRIBUTION THROUGH THE MAIL.**

11 “(a) IN GENERAL.—No person may distribute a to-  
12 bacco product through the mail.

13 “(b) AUTHORITY TO USE MAIL.—A person who  
14 wants to distribute a tobacco product through the mail  
15 shall submit to the Secretary a plan which will ensure that  
16 the tobacco product will only go to individuals who are  
17 18 or older. If the Secretary approves the plan, such per-  
18 son may make such distribution.

19 “(c) MONITORING.—The Secretary shall after 2 years  
20 after the effective date of this Act review distributions of  
21 tobacco products through the mail to determine if individ-  
22 uals under the age of 18 are receiving tobacco products  
23 so distributed.

24 “(d) PENALTIES.—The penalties prescribed by sec-  
25 tion 905(d) shall apply to violations of subsection (a).

1 **“SEC. 908. TOBACCO PRODUCT USE REDUCTION TARGETS.**

2       “(a) IN GENERAL.—The Secretary shall determine  
3 the average annual incidence of the daily use of tobacco  
4 products by individuals who are under 18 years of age and  
5 the Secretary shall determine the underage use base per-  
6 centage for tobacco products which shall be a percentage  
7 determined by the Secretary, weighted by the population  
8 of the age group involved as determined using data com-  
9 piled in 1995 by the Bureau of the Census. The Secretary  
10 shall report to the Congress the average annual incidence  
11 and underage use base percentage.

12       “(b) GOALS.—With respect to the average annual in-  
13 cidence of the daily use of tobacco products by individuals  
14 who are under 18 years of age, it shall be the national  
15 goals of the United States that such use be reduced as  
16 follows:

17               “(1) in the fifth calendar year after the date of  
18 enactment of this Act the percentage decrease in the  
19 use of tobacco products shall be at least 35 percent;

20               “(2) in the seventh calendar year after the date  
21 of enactment of this Act the percentage decrease in  
22 the use of tobacco products shall be at least 50 per-  
23 cent; and

24               “(3) in the tenth and subsequent calendar years  
25 after the date of enactment of this Act the percent-

1       age decrease in the use of tobacco products shall be  
2       at least 80 percent.

3       “(c) DETERMINATION.—The Secretary shall deter-  
4       mine whether the required percentage reduction in the un-  
5       derage use of tobacco products in the fifth calendar year  
6       after the date of enactment of this Act (based on sub-  
7       section (b)) has been achieved for the year involved. If it  
8       has not, the Secretary may make recommendations to the  
9       Congress with respect to a different goal of reduction in  
10      underage use of tobacco products.”

11      (b) EFFECTIVE DATE.—The amendment made by  
12      subsection (a) shall take effect January 1, 1999.

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