

106TH CONGRESS  
1ST SESSION

# H. R. 2579

To impose restrictions on the sale of cigars.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 21, 1999

Mr. MARKEY (for himself, Ms. DEGETTE, Mr. CAPUANO, Mr. LUTHER, Mr. INSLEE, Ms. PELOSI, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Commerce

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## 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 No Safe  
5       Alternative Act”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

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 over the last 5 years. Small cigar con-  
7 sumption has increased by an estimated 13 percent,  
8 large cigar consumption has increased by an esti-  
9 mated 70 percent, and premium cigar consumption  
10 has increased by an estimated 250 percent.

11          (4) Demographic evidence strongly suggests  
12 that most new cigar users are teenagers and young  
13 adult males. Data from the Centers for Disease Con-  
14 trol and Prevention 1997 Youth Risk Behavior Sur-  
15 vey indicates that among high school students over  
16 30 percent of the males and 10 percent of the fe-  
17 males are current cigar smokers.

18          (5) Smoking cigars is not a safe alternative to  
19 smoking cigarettes. Compared to a cigarette, a large  
20 cigar emits up to 20 times more ammonia, 5 to 10  
21 times more cadmium (cancer causing metal) and  
22 methylethyl nitrosamine (cancer causing agent), and  
23 up to 80 to 90 times more highly carcinogen-  
24 tobacco-specific-nitrosamines. Tar yields are 2 to 3  
25 times greater for a cigar than for a filter cigarette

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

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

4 (a) SALES AND DISTRIBUTION.—

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

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

12 (3) FACE-TO-FACE TRANSACTIONS.—A cigar re-  
13 tailer may sell cigars to the ultimate consumer only  
14 in a direct, face-to-face exchange and may not make  
15 sales through vending machines, mail-order sales, or  
16 the Internet.

17 (b) STATE LAWS.—The Secretary of Health and  
18 Human Services shall take such action as may be appro-  
19 priate to assure that States are in compliance with section  
20 1926(a) of the Public Health Service Act with respect to  
21 the sale of cigars to minors.

22 (c) MARKETING AND ADVERTISING.—

23 (1) GENERAL RULE.—The Federal Trade Com-  
24 mission shall impose such restrictions on the sale,  
25 advertising, distribution, and marketing of cigars di-

1       rected at youth as may be appropriate to limit the  
2       sale of cigars to individuals who are 18 or older.

3           (2) ELECTRONIC MEDIA.—Cigars may not be  
4       advertised on electronic media, including television,  
5       radio, and any other form of electronic communica-  
6       tion subject to the jurisdiction of the Federal Com-  
7       munications Commission.

8       (d) SPONSORSHIP.—The manufacturers of cigars  
9       which engage in the practice of paying for, or participating  
10      in, the placement of cigars in movies and on television  
11      where a substantial segment of the viewing audience is  
12      under the age of 18 shall report to the Secretary of Health  
13      and Human Services and the Federal Trade Commission  
14      each time that occurs.

15   **SEC. 4. HEALTH WARNINGS.**

16       The Federal Trade Commission, in consultation with  
17      the Secretary of Health and Human Services, shall require  
18      such health warnings on the labels of cigars and on cigar  
19      boxes or other packaging 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 3 years 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 The Secretary shall update such report annually  
24 thereafter and make the same transmittal of the up-  
25 dated report.

1 (b) FTC REPORT.—Not later than one year after the  
2 date of the enactment of this Act and biennially thereafter,  
3 the Federal Trade Commission shall transmit a report to  
4 the President and to Congress containing—

5 (1) a description of the current sales, adver-  
6 tising, and marketing practices associated with ci-  
7 gars; and

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

10 **SEC. 6. MONITORING TRENDS IN YOUTH ACCESS TO**  
11 **CIGARS.**

12 The Secretary of Health and Human Services, in con-  
13 sultation with the Federal Trade Commission and the Sec-  
14 retary of the Treasury, shall monitor trends in youth ac-  
15 cess to, and use of, cigars. If evidence suggests that cigars  
16 are inappropriately accessible to 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.

1 **SEC. 7. DEFINITION.**

2       As used in this Act the term “cigar” means any roll  
3 of tobacco wrapped in leaf tobacco or in any substance  
4 containing tobacco, including small cigars that weigh less  
5 than 3 pounds per thousand and large cigars that weigh  
6 more than 3 pounds per thousand and cigar rolling papers.

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