

106TH CONGRESS  
1ST SESSION

# S. 1421

To impose restrictions on the sale of cigars.

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## IN THE SENATE OF THE UNITED STATES

JULY 22, 1999

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

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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 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 cigar  
2 smokers increase their risk of pulmonary heart dis-  
3 ease by 27 percent and coronary heart disease by 45  
4 percent.

5           (3) Cigar use in the United States has risen  
6 dramatically by nearly 50 percent over the last 5  
7 years. Premium cigar sales have tripled in the same  
8 time period.

9           (4) Data from the Centers for Disease Control  
10 and Prevention 1997 Youth Risk Behavior Survey  
11 indicates that among high school students over 30  
12 percent of the males and 10 percent of the females  
13 are current cigar smokers.

14           (5) Smoking cigars is not a safe alternative to  
15 smoking cigarettes. Compared to a cigarette, a large  
16 cigar emits up to 20 times more ammonia, 5 to 10  
17 times more cadmium (cancer causing metal) and  
18 methylethyl nitrosamine (cancer causing agent), 80  
19 to 90 times more nitrosamines (a highly carcinogenic  
20 tobacco-specific agent), 2 to 3 times more tar, and  
21 9 to 12 times more nicotine.

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

23           (a) DISTRIBUTION.—

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

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

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

11         (b) MARKETING AND ADVERTISING.—

12           (1) GENERAL RULE.—The Chairman of the  
13           Federal Trade Commission shall impose such re-  
14           strictions on the sale, advertising, distribution, and  
15           marketing of cigars directed at youth as may be ap-  
16           propriate to limit the sale of cigars to individuals  
17           who are 18 years of age or older.

18           (2) ELECTRONIC MEDIA.—Cigars may not be  
19           advertised on electronic media, including television,  
20           radio, and any other form of electronic communica-  
21           tion.

22           (c) SPONSORSHIP.—The Secretary of Health and  
23           Human Services and the Chairman of the Federal Trade  
24           Commission shall encourage manufacturers of cigars to  
25           end the practice of paying for, or participating in, the

1 placement of cigars in movies and on television where a  
2 substantial segment of the viewing audience is under the  
3 age of 18 years.

4 (d) DEFINITION.—The term “cigar” means any roll  
5 of tobacco wrapped in leaf tobacco or in any substance  
6 containing tobacco, including small cigars that weigh less  
7 than 3 pounds per thousand and large cigars that weigh  
8 more than 3 pounds per thousand.

9 **SEC. 4. HEALTH WARNINGS.**

10 The Secretary of Health and Human Services, acting  
11 through the Chairman of the Federal Trade Commission,  
12 shall require such health warnings on the labels of cigars,  
13 on cigar boxes or other packaging, and on advertising and  
14 marketing materials and messages as may be appropriate  
15 to warn cigar users about the health risks presented by  
16 cigars.

17 **SEC. 5. STUDIES AND REPORTS.**

18 (a) SECRETARY’S STUDY.—

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

21 (A) to determine the health effects of occa-  
22 sional cigar smoking, nicotine dependence dem-  
23 onstrated by cigar smokers, biological uptake of  
24 toxic and carcinogenic constituents of cigars,  
25 and environmental cigar smoke exposure; and

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

4 Manufacturers of cigars shall report to the Secretary  
5 on the yields of tar, nicotine, carbon monoxide, and  
6 any other additive designated by the Secretary from  
7 cigars when smoked.

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

12 (A) findings from the cigar health and con-  
13 stituent yield study required under paragraph  
14 (1); and

15 (B) such recommendations for legislation  
16 or administrative actions as the Secretary  
17 deems appropriate.

18 (b) FTC REPORT.—Not later than 1 year after the  
19 date of the enactment of this Act and biennially thereafter,  
20 the Chairman of the Federal Trade Commission shall  
21 transmit a report to the President and to Congress  
22 containing—

23 (1) a description of the current sales, adver-  
24 tising, and marketing practices associated with  
25 cigars; and

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

3 **SEC. 6. MONITORING TRENDS IN YOUTH ACCESS TO CI-**  
4 **GARS.**

5           The Secretary of Health and Human Services, in con-  
6 sultation with the Chairman of the Federal Trade Com-  
7 mission and the Secretary of the Treasury, shall monitor  
8 trends in youth access to, and use of, cigars. If evidence  
9 suggests that cigars are inappropriately accessible to chil-  
10 dren and adolescents, or that smoking cigars is becoming  
11 an attractive alternative to smoking cigarettes for children  
12 and adolescents as a result of differential tax and regu-  
13 latory treatment, sales and marketing practices of cigar  
14 manufacturers, changes in consumer tastes, or any other  
15 reason, the Secretary shall immediately notify Congress  
16 and make such recommendations for adjusting tax rates  
17 or other legislative or administrative action necessary to  
18 ensure that cigars cease to be an attractive alternative to  
19 cigarettes for children and adolescents.

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