

106TH CONGRESS
2D SESSION

S. 2125

To provide for the disclosure of certain information relating to tobacco products and to prescribe labels for packages and advertising of tobacco products.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 29, 2000

Mr. LAUTENBERG (for himself, Mr. LUGAR, Mr. DURBIN, Mr. L. CHAFEE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for the disclosure of certain information relating to tobacco products and to prescribe labels for packages and advertising of tobacco products.

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 “Smoker’s Right to
5 Know and Truth in Tobacco Labeling Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ADVERTISEMENT.**—The term “advertise-
9 ment” means all newspapers and magazine adver-

1 tisements and advertising inserts, billboards, posters,
2 signs, decals, banners, matchbook advertising, point-
3 of-purchase display material and all other written or
4 other material used for promoting the sale or con-
5 sumption of tobacco products to consumers, and ad-
6 vertising at an Internet site.

7 (2) BRAND.—The term “brand” means a vari-
8 ety of tobacco products distinguished by the tobacco
9 used, tar and nicotine content, flavoring used, size
10 of the tobacco product, filtration, or packaging.

11 (3) BRAND STYLE.—The term “brand style”
12 means a variety of cigarettes distinguished by the to-
13 bacco used, tar and nicotine content, flavoring used,
14 size of the cigarette, filtration on the cigarette, or
15 packaging.

16 (4) CARCINOGEN.—The term “carcinogen”
17 means any agent that is determined to be
18 tumorigenic according to the National Toxicology
19 Program or the International Agency for Research
20 on Cancer, or that is otherwise known by the manu-
21 facturer to be tumorigenic.

22 (5) CIGAR.—The term “cigar” means any roll
23 of tobacco wrapped in leaf tobacco or in any sub-
24 stance containing tobacco, that weighs 3 pounds or

1 more per thousand, and is not a cigarette or little
2 cigar.

3 (6) CIGARETTE.—The term “cigarette”
4 means—

5 (A) any roll of tobacco wrapped in paper
6 or tobacco leaf or in any substance not con-
7 taining tobacco which is to be burned,

8 (B) any roll of tobacco wrapped in any
9 substance containing tobacco which, because of
10 its appearance, the type of tobacco used in the
11 filler, or its packaging or labeling is likely to be
12 offered to, or purchased by consumers as a cig-
13 arette described in subparagraph (A),

14 (C) little cigars which are any roll of to-
15 bacco wrapped in leaf tobacco or any substance
16 containing tobacco (other than any roll of to-
17 bacco which is a cigarette within the meaning
18 of subparagraph (A)) and as to which 1,000
19 units weigh not more than 3 pounds, and

20 (D) loose rolling tobacco that, because of
21 its appearance, type, packaging, or labeling, is
22 likely to be offered to, or purchased by, con-
23 sumers as tobacco for making cigarettes.

24 (7) COMMERCE.—The term “commerce”
25 means—

1 (A) commerce between any State, the Dis-
 2 trict of Columbia, the Commonwealth of Puerto
 3 Rico, Guam, the Virgin Islands, American
 4 Samoa, Wake Island, Midway Islands, Kingman
 5 Reef, or Johnston Island and any place outside
 6 thereof;

7 (B) commerce between points in any State,
 8 the District of Columbia, the Commonwealth of
 9 Puerto Rico, Guam, the Virgin Islands, Amer-
 10 ican Samoa, Wake Island, Midway Islands,
 11 Kingman Reef, or Johnston Island, but through
 12 any place outside thereof; or

13 (C) commerce wholly within the District of
 14 Columbia, Guam, the Virgin Islands, American
 15 Samoa, Wake Island, Midway Islands, Kingman
 16 Reef, or Johnston Island.

17 (8) CONSTITUENT.—The term “constituent”
 18 means any element of tobacco or cigarette main-
 19 stream or sidestream smoke, including tar, the com-
 20 ponents of the tar, nicotine, and carbon monoxide or
 21 any other component designated by the Secretary.

22 (9) DISTRIBUTOR.—The term “distributor”
 23 does not include a retailer and the term “distribute”
 24 does not include retail distribution.

1 (10) INGREDIENT.—The term “ingredient”
2 means any substance the use of which results, or
3 may reasonably be expected to result, directly or in-
4 directly, in its becoming a component of any tobacco
5 product, including any component of the paper or
6 filter of such product.

7 (11) PACKAGE.—The term “package” means a
8 pack, box, carton, or other container of any kind in
9 which cigarettes or other tobacco products are of-
10 fered for sale, sold, or otherwise distributed to cus-
11 tomers.

12 (12) PERSON.—The term “person” means an
13 individual, partnership, corporation, or any other
14 business or legal entity.

15 (13) PIPE TOBACCO.—The term “pipe tobacco”
16 means any loose tobacco that, because of its appear-
17 ance, type, packaging, or labeling, is likely to be of-
18 fered to, or purchased by, consumers as a tobacco
19 product to be smoked in a pipe.

20 (14) SALE OR DISTRIBUTION.—The term “sale
21 or distribution” includes sampling or any other dis-
22 tribution not for sale.

23 (15) SECRETARY.—The term “Secretary”
24 means the Secretary of Health and Human Services.

1 (16) SMOKELESS TOBACCO.—The term “smoke-
2 less tobacco” means any product that includes cut,
3 ground, powdered, or leaf tobacco that is intended to
4 be placed in the oral or nasal cavity.

5 (17) STATE.—The term “State” includes, in
6 addition to the 50 States, the District of Columbia,
7 Guam, the Commonwealth of Puerto Rico, the
8 Northern Mariana Islands, the Virgin Islands,
9 American Samoa, and the Trust Territory of the Pa-
10 cific Islands.

11 (18) TAR.—The term “tar” means the particu-
12 late matter from tobacco smoke minus water and
13 nicotine.

14 (19) TOBACCO PRODUCT.—The term “tobacco
15 product” means any product made of or derived
16 from tobacco leaf for human consumption, including
17 cigarettes, cigars, little cigars, loose tobacco, smoke-
18 less tobacco, and pipe tobacco.

19 (20) TRADEMARK.—The term “trademark”
20 means any word, name, symbol, logo, or device or
21 any combination thereof used by a person to identify
22 or distinguish such person’s goods from those manu-
23 factured or sold by another person and to indicate
24 the source of the goods.

1 (21) UNITED STATES.—The term “United
2 States” includes the States and installations of the
3 Armed Forces of the United States located outside
4 a State.

5 **SEC. 3. CIGARETTE PRODUCT PACKAGE LABELING; ADVER-**
6 **TISING WARNINGS.**

7 (a) WARNING LABELS.—

8 (1) IN GENERAL.—It shall be unlawful for any
9 person to manufacture, package, or import for sale
10 or distribution within the United States any ciga-
11 rettes the package of which fails to bear, in accord-
12 ance with the requirements of this section, one of
13 the following label statements:

14 WARNING: Cigarettes are addictive

15 WARNING: Tobacco smoke can harm your
16 children

17 WARNING: Cigarettes cause fatal lung disease

18 WARNING: Cigarettes cause cancer

19 WARNING: Cigarettes cause strokes and heart
20 disease

21 WARNING: Smoking during pregnancy can
22 harm your baby

23 WARNING: Smoking can kill you

24 WARNING: Tobacco smoke causes fatal lung
25 disease in non-smokers

1 WARNING: Quitting smoking now greatly re-
2 duces serious risks to your health

3 WARNING: Smoking causes sexual dysfunc-
4 tion.

5 (2) LIST OF CARCINOGENS.—

6 (A) IN GENERAL.—It shall be unlawful for
7 any person to manufacture, package, or import
8 for sale or distribution in the United States any
9 cigarettes the package of which fails to bear, in
10 accordance with the requirements of this sec-
11 tion, a statement that lists in the manner and
12 order as required by subparagraph (B) certain
13 carcinogens present in that cigarette brand’s in-
14 gredients or constituents.

15 (B) STATEMENT REQUIRED.—The state-
16 ment required under subparagraph (A) shall—

17 (i) be listed as follows:

18 “CANCER-CAUSING AGENTS: The
19 following cancer-causing agents are inhaled
20 in this product’s smoke: [list of carcino-
21 gens]”;

22 (ii) in the bracketed area in the state-
23 ment described in clause (i), list carcino-
24 gens in the following categories that are
25 present in that cigarette brand’s ingredi-

ents or constituents in the following descending order—

(I) inorganic compounds;

(II) miscellaneous organic compounds;

(III) aldehydes;

(IV) carcinogenic tobacco-specific nitrosamines (TSNAs).

(V) volatile nitrosamines; and

(VI) if any other carcinogens are present, state the following: “and other carcinogens”; and

(iii) display, in bold print, the percentage of any carcinogen listed in clause (ii) relative to the average of such concentration of such carcinogen in the sales weighted average of all cigarettes marketed in the United States.

(3) PLACEMENT; TYPOGRAPHY.—

(A) WARNING LABELS.—Each label statement required by paragraph (1) shall be located in the upper portion of the front and rear panels of the package, directly on the package underneath the cellophane or other clear wrapping. Each label statement shall comprise at

1 least the top 33 percent of the front and rear
2 panels of the package. The word “WARNING”
3 shall appear in capital letters and all text shall
4 be in conspicuous and legible 17-point bold,
5 uncondensed, sans serif type. Notwithstanding
6 the preceding sentence, the point size may be
7 reduced when the longest line of text exceeds 16
8 typographic characters (letters and space), ex-
9 cept that such reduced point size may never be
10 smaller than 15-point and at least 60 percent
11 of the area involved shall be occupied by the re-
12 quired text. The text shall be black on a white
13 background, or white on a black background, in
14 a manner that contrasts, by typography, layout,
15 or color, with all other printed material on the
16 package, in an alternating fashion under the
17 plan submitted under subsection (c)(4).

18 (B) LIST OF CARCINOGENS.—Each state-
19 ment required by paragraph (2) shall be located
20 in the same place that label statements were
21 placed on cigarette packages as of October 12,
22 1984. The text of the statement shall be in con-
23 spicuous and legible 9-point uncondensed, sans
24 serif type and shall appear in a conspicuous and
25 prominent format on 1 side of the package. The

1 Secretary may revise type sizes for the text in
2 such an area and in such a manner as the Sec-
3 retary determines to be appropriate. The term
4 “CANCER-CAUSING AGENTS” shall appear
5 in bold capital letters, and the text shall be
6 black on a white background, or white on a
7 black background, in a manner that contrasts,
8 by typography, layout, or color, with all other
9 printed material on the package, except the
10 label statement required under paragraph (1).

11 (4) DOES NOT APPLY TO FOREIGN DISTRIBUTION.—The provisions of this subsection do not
12 apply to a manufacturer or distributor of cigarettes
13 which does not manufacture, package, or import
14 cigarettes for sale or distribution within the United
15 States.
16

17 (b) PACKAGE INSERT.—

18 (1) IN GENERAL.—It shall be unlawful for any
19 person to manufacture, import, package, or dis-
20 tribute for sale within the United States any ciga-
21 rettes unless the cigarette package includes a pack-
22 age insert, prepared in accordance with guidelines
23 established by the Secretary by regulation, on car-
24 cinogens, toxins, and other substances posing a risk
25 to human health that are contained in the ingredi-

1 ents and constituents of the cigarettes in such pack-
 2 age. The Secretary shall include in such guidelines
 3 information on the health impact of smoking and
 4 smoking cessation as determined to be necessary by
 5 the Secretary to advance public health.

6 (2) REGULATIONS.—The Secretary shall issue
 7 regulations requiring the package insert required by
 8 paragraph (1) to provide the information required by
 9 such paragraph (including carcinogens and other
 10 dangerous substances) in a prominent, clear fashion
 11 and a detailed list of the ingredients and constitu-
 12 ents.

13 (c) ADVERTISING REQUIREMENTS.—

14 (1) IN GENERAL.—It shall be unlawful for any
 15 manufacturer, importer, distributor, or retailer of
 16 cigarettes to advertise or cause to be advertised
 17 within the United States any cigarette, or any simi-
 18 lar tobacco product, unless its advertising bears, in
 19 accordance with the requirements of this section—

20 (A) one of the label statements specified in
 21 paragraph (1) of subsection (a); and

22 (B) a list of carcinogens specified in para-
 23 graph (2) of subsection (a).

24 (2) TYPOGRAPHY.—

25 (A) WARNINGS.—

1 (i) IN GENERAL.—Each cigarette ad-
 2 vertisement shall include a label statement
 3 required by subsection (a)(1) as set forth
 4 in this subparagraph.

5 (ii) ADVERTISEMENTS.—For press
 6 (including magazine and newspaper), post-
 7 er and billboard advertisements, each such
 8 label statement shall comprise at least 30
 9 percent of the area of the advertisement
 10 and shall appear in a conspicuous and
 11 prominent format and location at the top
 12 of each advertisement within the printing
 13 safety area. The Secretary may revise the
 14 required type sizes in such area in such
 15 manner as the Secretary determines appro-
 16 priate to advance public health.

17 (iii) TEXT.—The word “WARNING”
 18 shall appear in capital letters, and each
 19 label statement shall appear in con-
 20 spicuous, uncondensed, bold, sans serif
 21 type. The text of the label statement shall
 22 be black if the background is white and
 23 white if the background is black, under the
 24 plan submitted under paragraph (4). The
 25 label statements shall be enclosed by a rec-

1 tangular border that is the same color as
 2 the letters of the statements and that is
 3 twice the width of the vertical stroke of the
 4 letter “I” in the word “WARNING” in the
 5 label statements.

6 (iv) POINT TYPE.—The text of such
 7 label statements shall be in a bold typeface
 8 pro rata to the following requirements:

9 (I) 45-point type for a whole-
 10 page broadsheet newspaper advertise-
 11 ment.

12 (II) 39-point type for a half-page
 13 broadsheet newspaper advertisement.

14 (III) 39-point type for a whole-
 15 page tabloid newspaper advertisement.

16 (IV) 27-point type for a half-page
 17 tabloid newspaper advertisement.

18 (V) 31.5-point type for a double
 19 page spread magazine or whole-page
 20 magazine advertisement.

21 (VI) 22.5-point type for a 28
 22 centimeter by 3 column advertise-
 23 ment.

24 (VII) 15-point type for a 20 cen-
 25 timeter by 2 column advertisement.

1 (v) BILLBOARDS.—For billboard ad-
 2 vertisements, the typeface shall be adjusted
 3 so that the text occupies 60–70 percent of
 4 the label area. The warning label on bill-
 5 boards that use artificial lighting shall not
 6 be less visible than other printed matter on
 7 the billboard when the lighting is in use.

8 (vi) ALL LABEL STATEMENTS.—The
 9 label statements shall be in English, except
 10 that in the case of—

11 (I) an advertisement that ap-
 12 pears in a newspaper, magazine, peri-
 13 odical, or other publication that is not
 14 in English, the statements shall ap-
 15 pear in the predominant language of
 16 the publication; and

17 (II) in the case of any other ad-
 18 vertisement that is not in English, the
 19 label statements shall appear in the
 20 same language as that principally
 21 used in the advertisement.

22 (B) LIST OF CARCINOGENS.—Each state-
 23 ment required by subsection (a)(2) in cigarette
 24 advertising shall comply with the standards set
 25 forth in this subparagraph. For press, poster

1 and billboard advertisements, each such state-
2 ment shall appear in a conspicuous and promi-
3 nent format and be located at the bottom of
4 each advertisement within the printing safety
5 area. Each such statement shall comprise not
6 less than 15 percent of the area of the adver-
7 tisement, with the text of the statement com-
8 prising not less than 60 percent and not more
9 than 70 percent of such an area. The Secretary
10 may designate required type sizes in such an
11 area in such a manner as the Secretary deter-
12 mines appropriate to advance public health. The
13 text of such a statement shall be black if the
14 background is white, and white if the back-
15 ground is black, and shall be in type that is
16 otherwise in contrast in typography, layout, or
17 color with all other printed material in the ad-
18 vertisement.

19 (3) ADJUSTMENT BY SECRETARY.—The Sec-
20 retary may, through a rulemaking under section 553
21 of title 5, United States Code, adjust the format and
22 type sizes and content for the label statements re-
23 quired by this section or the text, format, and type
24 sizes of any required tar, nicotine yield, or other
25 constituent disclosures, or to establish the text, for-

1 mat, and type sizes for any other disclosures re-
2 quired under the Federal Food, Drug, and Cosmetic
3 Act (21 U.S.C. 301 et seq.). The text of any such
4 label statements or disclosures shall be required to
5 appear only within the 30 percent area of cigarette
6 advertisements provided by paragraph (2). The Sec-
7 retary shall promulgate regulations which provide
8 for adjustments in the format and type sizes of any
9 text required to appear in such area to ensure that
10 the total text required to appear by law will fit with-
11 in such area.

12 (4) MARKETING REQUIREMENTS.—

13 (A) IN GENERAL.—The label statements
14 specified in subsection (a)(1) shall be randomly
15 displayed in each 12-month period, in as equal
16 a number of times as is possible on each brand
17 and brand style of the product and be randomly
18 distributed in all areas of the United States in
19 which the product is marketed in accordance
20 with a plan submitted by the cigarette manufac-
21 turer, importer, distributor, or retailer, and ap-
22 proved by the Secretary.

23 (B) ROTATION.—The label statements
24 specified in subsection (a)(1) shall be rotated
25 quarterly in alternating sequence in advertise-

ments for each brand and brand style of cigarettes in accordance with a plan submitted by the cigarette manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

(C) REVIEW OF PLAN.—The Secretary shall review each plan submitted under subparagraph (B) and approve it if the plan—

(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

(ii) assures that all of the label statements required under this section will be displayed by the cigarette manufacturer, importer, distributor, or retailer at the same time.

(d) TELEVISION AND RADIO ADVERTISING.—It is unlawful to advertise cigarettes on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.

SEC. 4. LABELS AND ADVERTISING WARNINGS FOR SMOKELESS TOBACCO, CIGARS, AND PIPE TOBACCO.

(a) WARNING LABELS.—

1 (1) IN GENERAL.—It shall be unlawful for any
2 person to manufacture, package, or import for sale
3 or distribution within the United States any smoke-
4 less tobacco product, cigar product, or pipe tobacco
5 product, or any similar tobacco product, unless the
6 product package bears, in accordance with the re-
7 quirements of this Act, one of the following label
8 statements:

9 (A) Any smokeless tobacco product shall
10 bear one of the following label statements:

11 WARNING: Smokeless tobacco causes mouth
12 cancer

13 WARNING: Smokeless tobacco causes gum dis-
14 ease and tooth loss

15 WARNING: Smokeless tobacco is not a safe al-
16 ternative to cigarettes

17 WARNING: Smokeless tobacco is addictive

18 (B) Any cigar product shall bear one of
19 the following label statements:

20 WARNING: Cigar smoke causes mouth cancer

21 WARNING: Cigar smoke causes throat cancer

22 WARNING: Cigar smoke causes lung cancer

23 WARNING: Cigars are not a safe alternative to
24 cigarettes

1 WARNING: Cigar smoke can harm your chil-
2 dren

3 (C) Any pipe tobacco product shall bear
4 one of the following label statements:

5 WARNING: Pipe smoking causes mouth cancer

6 WARNING: Pipe smoking causes throat cancer

7 WARNING: Pipe smoking is not a safe alter-
8 native to cigarettes

9 WARNING: Pipe smoking can harm your chil-
10 dren

11 (2) REQUIREMENTS.—

12 (A) LOCATION OF LABEL STATEMENT.—

13 Each label statement required by paragraph (1)
14 shall—

15 (i) for any smokeless tobacco or pipe
16 tobacco product, be located on the 2 prin-
17 cipal display panels of the product pack-
18 age, and comprise at least 25 percent of
19 each such display panel; and

20 (ii) for any cigar product, be located
21 on a band around each cigar that is pack-
22 aged for individual sale, and for each pack-
23 age of cigars, be located in the upper por-
24 tion of the front and rear panels of the
25 package and comprise at least the top 33

1 percent of the front and rear panels of the
2 package.

3 (B) SIZE AND TEXT OF LABEL STATE-
4 MENT.—Each label statement required by para-
5 graph (1) shall be in 17-point bold,
6 uncondensed, sans serif type and in black text
7 on a white background, or white text on a black
8 background, in a manner that contrasts by ty-
9 pography, layout, or color, with all other print-
10 ed material on the package or band, in an alter-
11 nating fashion under the plan submitted under
12 subsection (b)(3), except that if the text of a
13 label statement would occupy more than 70 per-
14 cent of the area specified by subparagraph (A),
15 such text may appear in a smaller type size, so
16 long as at least 60 percent of such warning
17 area is occupied by the label statement.

18 (3) INTRODUCTION.—The label statements re-
19 quired by paragraph (1) shall be introduced by each
20 manufacturer, packager, importer, distributor, or re-
21 tailer of smokeless tobacco products, cigar products,
22 and pipe tobacco products concurrently into the dis-
23 tribution chain of such products.

24 (4) DOES NOT APPLY TO FOREIGN DISTRIBUTION.—The provisions of this subsection do not
25

1 apply to a manufacturer or distributor of any
2 smokeless tobacco product, cigar product, or pipe to-
3 bacco product that does not manufacture, package,
4 or import such products for sale or distribution
5 within the United States.

6 (b) ADVERTISEMENTS.—

7 (1) IN GENERAL.—It shall be unlawful for any
8 manufacturer, packager, importer, distributor, or re-
9 tailer of smokeless tobacco products, cigar products,
10 or pipe tobacco products to advertise or cause to be
11 advertised within the United States any such prod-
12 uct unless its advertising bears, in accordance with
13 the requirements of this section, one of the label
14 statements specified in subsection (a) that is appli-
15 cable to such product.

16 (2) REQUIREMENTS.—Each label statement re-
17 quired by paragraph (1) shall comply with the
18 standards set forth in this paragraph. For press and
19 poster advertisements, each such statement and
20 (where applicable) any required statement relating
21 to tar, nicotine, or other constituent yield shall—

22 (A) comprise at least 20 percent of the
23 area of the advertisement, and the warning area
24 shall be delineated by a dividing line of con-
25 trasting color from the advertisement; and

1 (B) the word “WARNING” shall appear in
2 capital letters and each label statement shall
3 appear in conspicuous and legible type.

4 The text of the label statement shall be black on a
5 white background, or white on a black background,
6 in an alternating fashion under the plan submitted
7 under paragraph (3).

8 (3) DISPLAY.—

9 (A) RANDOM DISPLAY.—The label state-
10 ments specified in subsection (a)(1) shall be
11 randomly displayed in each 12-month period, in
12 as equal a number of times as is possible on
13 each brand of the product and be randomly dis-
14 tributed in all areas of the United States in
15 which the product is marketed in accordance
16 with a plan submitted by the manufacturer, im-
17 porter, distributor, or retailer of smokeless to-
18 bacco products, cigar products, or pipe tobacco
19 products and approved by the Secretary.

20 (B) ROTATION.—The label statements
21 specified in subsection (a)(1) shall be rotated
22 quarterly in alternating sequence in advertise-
23 ments for each brand of smokeless tobacco
24 product, cigar product, and pipe tobacco prod-
25 uct, in accordance with a plan submitted by the

1 tobacco product manufacturer, importer, dis-
 2 tributor, or retailer to, and approved by, the
 3 Secretary.

4 (C) REVIEW OF PLAN.—The Secretary
 5 shall review each plan submitted under sub-
 6 paragraph (B) and approve it if the plan—

7 (i) will provide for the equal distribu-
 8 tion and display on packaging and the ro-
 9 tation required in advertising under this
 10 subsection; and

11 (ii) assures that all of the label state-
 12 ments required under this section will be
 13 displayed by the manufacturer, importer,
 14 distributor, or retailer of smokeless tobacco
 15 products, cigar products, or pipe tobacco
 16 products, at the same time.

17 (c) PACKAGE INSERT.—

18 (1) IN GENERAL.—It shall be unlawful for any
 19 person to manufacture, import, package, or dis-
 20 tribute for sale within the United States any smoke-
 21 less tobacco product, cigar product, or pipe tobacco
 22 product unless such product, not including a cigar
 23 that is sold individually, includes a package insert,
 24 prepared in accordance with guidelines established
 25 by the Secretary by regulation, on carcinogens, tox-

1 ins, and other substances posing a risk to human
2 health that are contained in the ingredients and con-
3 stituents of such product. The Secretary shall in-
4 clude in such guidelines information on the health
5 impact of smoking and smoking cessation as the
6 Secretary determines to be necessary to advance
7 public health.

8 (2) REGULATIONS.—The Secretary shall issue
9 regulations requiring the package insert required by
10 paragraph (1) to provide the information required by
11 such paragraph (including carcinogens and other
12 dangerous substances) in a prominent, clear fashion
13 and a detailed list of the ingredients and constitu-
14 ents.

15 (d) TELEVISION AND RADIO ADVERTISING.—It is un-
16 lawful to advertise smokeless tobacco product, cigar prod-
17 uct, or pipe tobacco product on any medium of electronic
18 communications subject to the jurisdiction of the Federal
19 Communications Commission.

20 **SEC. 5. AUTHORITY TO REVISE WARNING LABEL STATE-**
21 **MENTS.**

22 The Secretary may, by a rulemaking conducted under
23 section 553 of title 5, United States Code, adjust the for-
24 mat, type size, content, and text of any of the warning
25 label statements required by this Act, or establish the for-

1 mat, type size, and text of any other disclosures required
2 under the Federal Food, Drug, and Cosmetic Act (21
3 U.S.C. 301 et seq.), or alter the list of carcinogens dis-
4 closed on label statements, if the Secretary finds that such
5 a change would promote greater public understanding of
6 the risks associated with the use of tobacco.

7 **SEC. 6. TOBACCO PRODUCT INGREDIENTS AND CONSTITU-**
8 **ENTS.**

9 (a) GENERAL RULE.—Each person that manufac-
10 tures, packages, or imports into the United States any to-
11 bacco product shall annually report, in a form and at a
12 time specified by the Secretary by regulation—

13 (1) the identity of any added ingredient or con-
14 stituent of the product other than tobacco, water, or
15 reconstituted tobacco sheet made wholly from to-
16 bacco; and

17 (2) the nicotine, tar, and carbon monoxide yield
18 ratings which shall accurately predict the nicotine,
19 tar, and carbon monoxide intake from such product
20 for average consumers based on standards estab-
21 lished by the Secretary by regulation;

22 if such information is not information which the Secretary
23 determines to be trade secret or confidential information
24 subject to section 552(b)(4) of title 5, United States Code,
25 and section 1905 of title 18, United States Code. The in-

1 gredients and constituents identified under paragraph (1)
2 shall be listed in descending order according to weight,
3 measure, or numerical count. If any of such constituents
4 are carcinogens, or otherwise poses a risk to human health
5 as determined by the Secretary, such information shall be
6 included in the report.

7 (b) PUBLIC DISSEMINATION.—The Secretary shall
8 review the information contained in each report submitted
9 under subsection (a) and if the Secretary determines that
10 such information directly affects the public health, the
11 Secretary shall require that such information be included
12 in a label under sections 3 and 4.

13 (c) OTHER SOURCES OF INFORMATION.—The Sec-
14 retary shall establish a toll-free telephone number and a
15 site on the Internet which shall make available additional
16 information on the ingredients of such tobacco products,
17 except information which the Secretary determines to be
18 trade secret or confidential information subject to section
19 552(b)(4) of title 5, United States Code, and section 1905
20 of title 18, United States Code.

21 **SEC. 7. ENFORCEMENT.**

22 (a) IN GENERAL.—

23 (1) REGULATIONS.—The Secretary shall issue
24 such regulations as may be appropriate for the im-
25 plementation of this Act. The Secretary shall issue

1 proposed regulations for such implementation within
2 180 days of the date of the enactment of this Act.
3 Not later than 180 days after the date of the publi-
4 cation of such proposed regulations, the Secretary
5 shall issue final regulations for such implementation.
6 If the Secretary does not issue such final regulations
7 before the expiration of such 180 days, the proposed
8 regulations shall become final and the Secretary
9 shall publish a notice in the Federal Register about
10 the new status of the proposed regulations.

11 (2) CONSULTATION.—In carrying out the Sec-
12 retary's duties under this Act, the Secretary shall,
13 as appropriate, consult with such experts as may
14 have appropriate training and experience in the mat-
15 ters subject to such duties.

16 (3) MONITORING OF COMPLIANCE.—The Sec-
17 retary shall monitor compliance with the require-
18 ments of this Act.

19 (4) RECOMMENDATION FOR ENFORCEMENT.—
20 The Secretary shall recommend to the Attorney Gen-
21 eral such enforcement actions as may be appropriate
22 under this Act.

23 (b) INJUNCTION.—

24 (1) IN GENERAL.—The district courts of the
25 United States shall have jurisdiction over civil ac-

1 tions brought to restrain violations of this Act. Such
2 a civil action may be brought in the United States
3 district court for the judicial district in which any
4 substantial portion of the violation occurred or in
5 which the defendant is found or transacts business.
6 In such a civil action, process may be served on a
7 defendant in any judicial district in which the de-
8 fendant resides or may be found and subpoenas re-
9 quiring attendance of witnesses in any such action
10 may be served in any judicial district.

11 (2) ACTIONS BY INTERESTED PARTIES.—Any
12 interested organization may bring a civil action de-
13 scribed in paragraph (1). If such an organization
14 substantially prevails in such an action, the court
15 may award it reasonable attorney’s fees and ex-
16 penses. For purposes of this paragraph, the term
17 “interested organization” means any nonprofit orga-
18 nization one of whose purposes, and a substantial
19 part of its activities, include the promotion of public
20 health through reduction in the use of tobacco prod-
21 ucts.

22 (c) CIVIL PENALTY.—Any person who manufactures,
23 packages, distributes, or advertises a tobacco product in
24 violation of this Act shall be subject to a civil penalty of
25 not more than \$100,000 for each violation per day.

1 **SEC. 8. REPORT TO CONGRESS BY THE SECRETARY.**

2 Not later than 36 months after the date of enactment
3 of this Act and biannually thereafter, the Secretary shall
4 transmit to the Congress a report describing actions taken
5 pursuant to this Act, current practices and methods of to-
6 bacco advertising and promotion, and recommendations if
7 any for legislation.

8 **SEC. 9. EFFECTIVE DATES AND CONFORMING AMEND-**
9 **MENTS.**

10 (a) **EFFECTIVE DATE.**—This Act shall take effect on
11 the date of the enactment of this Act, except that section
12 3, 4, 5 and 6 shall take effect 1 year after the date of
13 the enactment of this Act.

14 (b) **CONFORMING AMENDMENTS.**—Effective on the
15 date that is 1 year from the date of the enactment of this
16 Act, the Federal Cigarette Labeling and Advertising Act
17 (15 U.S.C. 1331 et seq.) and the Comprehensive Smoke-
18 less Tobacco Health Education Act of 1986 (15 U.S.C.
19 4401) are repealed.

○