

114TH CONGRESS
2D SESSION

H. R. 5955

To amend the Federal Food, Drug, and Cosmetic Act to allow the charitable distribution of traditional large and premium cigars to members of the Armed Forces, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2016

Ms. CASTOR of Florida introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to allow the charitable distribution of traditional large and premium cigars to members of the Armed Forces, and for other purposes.

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 “Restore Charitable
5 Contributions of Premium Cigars to the Troops Act of
6 2016”.

1 **SEC. 2. CHARITABLE DISTRIBUTION OF TRADITIONAL**
2 **LARGE AND PREMIUM CIGARS TO MEMBERS**
3 **OF THE ARMED FORCES.**

4 (a) CHARITABLE DISTRIBUTION.—Paragraph (rr) of
5 section 301 of the Federal Food, Drug, and Cosmetic Act
6 (21 U.S.C. 331) is amended to read as follows:

7 “(rr)(1) The charitable distribution of tobacco prod-
8 ucts, other than a charitable distribution of a traditional
9 large and premium cigar to—

10 “(A) a member of the Armed Forces; or

11 “(B) any nonprofit organization the primary
12 purpose of which is to provide support for members
13 of the Armed Forces or veterans.

14 “(2) For purposes of this paragraph, the term ‘tradi-
15 tional large and premium cigar’—

16 “(A) means any roll of tobacco that is wrapped
17 in 100 percent leaf tobacco, bunched with 100 per-
18 cent tobacco filler, contains no filter, tip or non-to-
19 bacco mouthpiece, weighs at least 6 pounds per
20 1,000 count, and—

21 “(i) has a 100 percent leaf tobacco binder
22 and is hand rolled;

23 “(ii) has a 100 percent leaf tobacco binder
24 and is made using human hands to lay the leaf
25 tobacco wrapper or binder onto only one ma-

1 chine that bunches, wraps, and caps each indi-
 2 vidual cigar; or

3 “(iii) has a homogenized tobacco leaf bind-
 4 er and is made in the United States using
 5 human hands to lay the 100 percent leaf to-
 6 bacco wrapper onto only one machine that
 7 bunches, wraps, and caps each individual cigar;
 8 and

9 “(B) does not include a cigarette (as such term
 10 is defined by section 900(3)) or a little cigar (as
 11 such term is defined by section 900(11)).”.

12 (b) FREE SAMPLES.—

13 (1) IN GENERAL.—Section 906 of the Federal
 14 Food, Drug, and Cosmetic Act (21 U.S.C. 387f) is
 15 amended by adding at the end the following:

16 “(g) CHARITABLE DISTRIBUTION TO MEMBERS OF
 17 THE ARMED FORCES.—The Secretary shall not prohibit
 18 the charitable distribution of a traditional large and pre-
 19 mium cigar to a member of the Armed Forces or a non-
 20 profit organization the primary purpose of which is to pro-
 21 vide support for members of the Armed Forces or vet-
 22 erans, as described in section 301(rr), on the basis of such
 23 distribution being treated as a free sample.”.

24 (2) REVISIONS TO REGULATIONS.—The Sec-
 25 retary of Health and Human Services shall revise

1 such regulations as may be necessary to implement
2 section 906(g) of the Federal Food, Drug, and Cos-
3 metic Act, as added by paragraph (1), including by
4 revising the regulations described in section 102(a)
5 of the Family Smoking Prevention and Tobacco
6 Control Act (21 U.S.C. 387a–1(a)).

○