MINORITY STAFF
COMMITTEE ON GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
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FACT SHEET

H.R. 1376: Public Health Benefits of Proposed Legislation Regulating Tobacco Products

On March 17, 2005, Reps. Tom Davis and Henry A. Waxman introduced H.R. 1376, a bill that grants the U.S. Food and Drug Administration (FDA) authority to regulate tobacco products. This legislation would:

- Immediately implement the 1996 FDA rule to reduce youth smoking. This rule would provide national penalties for selling tobacco products to youth, eliminate brand-name tobacco advertising at sporting and cultural events, bar outdoor signs for tobacco products within 1,000 feet of elementary and secondary schools, limit point-of-sale advertising, and require many tobacco ads to be limited to black-and-white text.

- Immediately prohibit the use of misleading terms such as "light," "low," and "mild." For decades, millions of consumers have been fooled into believing that "light" cigarettes are safer than regular cigarettes. The bill ensures that products will not be sold using any such terms without passing a thorough review of evidence by FDA. The legislation would also prohibit marketing of the next generation of purported "safer cigarettes" without a thorough review of evidence by FDA and without adequate postmarket surveillance.

- Immediately prohibit the sale of cigarettes characterized by strawberry, cinnamon, grape, chocolate, cocoa, coffee, vanilla, mint and other flavors. FDA will now be able to stop companies from selling cigarettes and bidis that are flavored to lure youth and other new smokers.

- Immediately increase the size of warning labels. The warning labels would comprise at least 30% of a cigarette pack, the new international standard set by the Framework Convention on Tobacco Control. This could be increased by FDA to 50%.

- Provide FDA authority to further restrict the advertising and promotion of tobacco products to promote the public health.

- Provide FDA authority to require modifications in the design or ingredients of all marketed cigarettes, if such modifications would protect the public health. This authority extends to all measures short of completely eliminating nicotine. For example, FDA could require companies to remove harmful additives such as ammonia.

- Provide FDA authority to require recordkeeping and tracking and tracing systems to combat cigarette smuggling.

- Provide FDA access to data about tobacco product ingredients and constituents that can be used in designing new product standards and new disclosure requirements.

- Permit states and localities to regulate the time, place, and manner of tobacco advertising.