



# HR 1256

## Family Smoking Prevention & Tobacco Control Act

The "Family Smoking Prevention and Tobacco Control Act" amends the Federal Food, Drug, and Cosmetic Act (FFDCA) to grant the US Food and Drug Administration (FDA) authority to regulate the manufacturing, marketing, and sale of tobacco products.

### THIS LEGISLATION:

- **Grants the FDA oversight over the manufacture and sale of cigarettes and smokeless tobacco**
  - Hookahs, dissolvables, cigars, cigarillos, e-cigarettes and other emerging product are not included.
  - HR 1256 mandates the FDA Scientific Advisory Committee to study the role and impact of dissolvable products and to provide a report two years after the committee's existence.
- **Grants the FDA the authority to make changes in current and future tobacco products, such as the reduction or elimination of harmful ingredients, additives and constituents, if decided that these changes will protect public health.**
  - FDA will be granted authority to change nicotine yields.
  - Congress will maintain the authority to ban nicotine completely.
- **Restricts tobacco marketing and sales to youth by July 2010.**
  - Bans tobacco ad placement within 1,000 feet of schools and playgrounds.
  - Bans all remaining tobacco-brand sponsorships of sports and entertainment events.
  - Bans free giveaways of any non-tobacco items with the purchase of a tobacco product or in exchange for coupons or proof-of-purchase.
  - Limits advertising in publications with significant teen readership.
  - Bans colorful point-of-sale advertising, except in adult-only facilities. (Advertising must be black-and-white.)
  - Restricts vending machines and self-service displays to adult-only facilities.
  - Requires retailers to verify age for all over-the-counter sales.
  - FDA must issue regulations to prevent and address the sale of tobacco products to youth via Internet, mail-order or other non-face-to-face sales.
- **Bans candy-flavored cigarettes by October 2009.**
  - Menthol was excluded from bill; however, HR 1256 mandates the FDA Scientific Advisory Committee to study the role and impact of menthol in cigarettes, and to provide a report at the end of the first year of the committee's existence. It also authorizes the FDA to ban menthol if it's found to be "harmful" to health.
- **Requires the full disclosure to the FDA of all ingredients and additives in cigarettes by January 2010.**
  - FDA shall establish a list of harmful and potentially harmful constituents, including smoke constituents.
  - FDA is entitled to request industry documents related to any relevant past research by the industry or in the industry's files.

- FDA shall establish and require new testing and reporting of tobacco products constituents, ingredients and additives, including smoke constituents.
- **Prohibits the use of misleading terms like "light" and "mild" on tobacco products by July 2010.**
- **Restricts Big Tobacco's ability to manipulate products to make them more addictive.**
- **Mandates new and stronger warning labels on tobacco products by July 2011. (Requires packs to have color graphics depicting the negative health consequences of smoking to accompany cigarette warnings.)**

Cigarettes labels must occupy a minimum of 50% of both the front and back of all cigarette packaging.	Smokeless Tobacco labels must occupy a minimum of 30% of the front, back or rims of all packaging.
<p>WARNING: Cigarettes are addictive.</p> <p>WARNING: Tobacco smoke can harm your children.</p> <p>WARNING: Cigarettes cause fatal lung disease.</p> <p>WARNING: Cigarettes cause strokes and heart disease.</p> <p>WARNING: Smoking during pregnancy can harm your baby.</p> <p>WARNING: Smoking can kill you.</p> <p>WARNING: Tobacco smoke causes fatal lung disease in non-smokers.</p> <p>WARINING: Quitting smoking now greatly reduces serious risks to your health.</p>	<p>WARNING: This product can cause mouth cancer.</p> <p>WARNING: This product can cause gum disease and tooth loss.</p> <p>WARNING: This product is not a safe alternative to cigarettes.</p> <p>WARNING: Smokeless tobacco is addictive.</p>

#### THE FDA PRESERVES STATES' RIGHT TO:

- Increase tobacco taxes and implement and enforce Smoke-free Laws.
- Fully fund effective comprehensive tobacco control programs.
- Provide coverage of cessation services.
- Take action to restrict sale and distributions of tobacco.
- Prohibit the sale of any other tobacco products, either totally, to persons of any age, to change the age of sale or to restrict sales to just at certain specified locations (e.g., by prohibiting sales at pharmacies or other health facilities, or at college campuses or any other locations frequented by youth).
- Restrict time, place and manner (but not content) of tobacco advertising or promotions, *to the extent permitted under the First Amendment.*
- Supplement the new FDA requirement that all retail ads for cigarettes and smokeless consist only of black text on white background by applying the same restrictions to cigar and other tobacco product ads.
- Require that all tobacco products or tobacco product ads be kept away from cash registers in order to reduce impulse purchases by smokers trying to quit.

To read a more detailed summary of HR 1256 (Family Smoking Prevention & Tobacco Control Act), click on the following link:

<http://www.govtrack.us/congress/bill.xpd?bill=h111-1256&tab=summary>

