

104TH CONGRESS
1ST SESSION

H. R. 1853

To amend the Federal Food, Drug, and Cosmetic Act to require the reduction and eventual elimination of nicotine in tobacco products.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 1995

Mr. MEEHAN (for himself and Mr. HANSEN) introduced the following bill;
which was referred to the Committee on Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to require the reduction and eventual elimination of nicotine in 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 “Freedom From Nico-
5 tine Addiction Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Tobacco use remains the largest preventable
9 cause of illness and premature death in the United

1 States, responsible for the unnecessary deaths of
2 more than 419,000 Americans each year.

3 (2) Tobacco is a uniquely harmful product in
4 that it kills if used as intended.

5 (3) The United States health care system ex-
6 penditures due directly to smoking totals \$50 billion
7 a year. The United States economy loses \$47 billion
8 a year in productivity due to smoking.

9 (4) The 1988 report of the United States Sur-
10 geon General concluded that cigarettes and other
11 forms of tobacco are addicting, that nicotine is the
12 drug in tobacco that causes addiction, and that the
13 pharmacologic and behavioral processes that deter-
14 mine tobacco addiction are similar to those that de-
15 termine addiction to heroin and cocaine.

16 (5) The 1994 report by the United States Sur-
17 geon General concluded that the nicotine in tobacco
18 products is responsible for the rapid addiction of up
19 to half of all children who experiment with tobacco.

20 (6) Among adults in the United States who
21 have ever smoked daily, 91 percent tried their first
22 cigarette and 77 percent became daily smokers be-
23 fore they were 20 years old.

1 (7) Nicotine addicts over 3,000 children each
2 day into an activity which eventually will kill ap-
3 proximately $\frac{1}{2}$ of them.

4 (8) The current Commissioner of Food and
5 Drugs has labeled tobacco a pediatric disease.

6 (9) A senior research scientist for one of the
7 largest cigarette manufacturers in the United States
8 has observed: "The primary incentive to cigarette
9 smoking is the immediate salutary effect of inhaled
10 smoke upon body function . . . The physiological ef-
11 fect serves as the primary incentive; all other incen-
12 tives are secondary . . . Think of the cigarette pack
13 as a storage container for a day's supply of nicotine
14 . . . Think of the cigarette as a dispenser for a dose
15 unit of nicotine . . . Think of a puff of smoke as
16 the vehicle of nicotine."

17 (10) The use of tobacco products continues to
18 be widespread, in spite of increased awareness of
19 their lethal nature, because nicotine which is the sin-
20 gle, removable substance in tobacco that causes ad-
21 diction in children and reinforces that addiction in
22 adults.

23 (11) Tobacco manufacturers have the capability
24 to remove all or virtually all of the nicotine from

1 their tobacco products using technology already in
2 existence.

3 (12) Nicotine destroys the freedom of millions
4 of children and adults in the United States to choose
5 whether or not to continue using tobacco products.

6 **SEC. 3. REGULATION.**

7 (a) DEFINITION.—Section 201 of the Federal Food,
8 Drug, and Cosmetic Act (21 U.S.C. 321) is amended by
9 adding at the end the following:

10 “(gg) The term ‘tobacco product’ means any ciga-
11 rette, cigar, little cigar, pipe tobacco, fine cut tobacco, or
12 any smokeless tobacco product.

13 “(hh) The term ‘nicotine’ includes any substance that
14 has pharmacologic activity similar to nicotine.”.

15 (b) REDUCTION IN NICOTINE.—Chapter V of the
16 Federal Food, Drug, and Cosmetic Act is amended—

17 (1) in the title by adding at the end “AND TO-
18 BACCO PRODUCTS”, and

19 (2) by adding after subchapter C the following:

20 “SUBCHAPTER D—TOBACCO PRODUCTS

21 “REGULATION OF TOBACCO PRODUCTS

22 “SEC. 545. (a) It shall be unlawful to introduce or
23 deliver for introduction into interstate commerce any to-
24 bacco product that is adulterated.

1 “(b) A tobacco product shall be considered adulter-
2 ated if it contains nicotine in a quantity per cigarette ex-
3 ceeding the following:

4 “As of January 1, 1997, 10.00 mg. nicotine.

5 “As of January 1, 1998, 8.00 mg. nicotine.

6 “As of January 1, 1999, 6.00 mg. nicotine.

7 “As of January 1, 2000, 4.00 mg. nicotine.

8 “As of January 1, 2001, 2.00 mg. nicotine.

9 “As of January 1, 2002, .05 mg. nicotine.

10 “(c) The Secretary shall prescribe a reduction in the
11 nicotine in tobacco products other than cigarettes which
12 is comparable to the reduction required by subsection (b).
13 Such reduction shall be published in the Federal Register.
14 Such a tobacco product shall be considered adulterated if
15 it contains nicotine in a quantity exceeding the quantity
16 prescribed by the Secretary.”.

17 (c) ENFORCEMENT.—Section 301 of the Federal
18 Food, Drug, and Cosmetic Act (21 U.S.C 331) is amended
19 by adding at the end the following:

20 “(v) The introduction or delivery for introduction into
21 interstate commerce of an adulterated tobacco product.”.

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