

115TH CONGRESS 1ST SESSION

S. 294

To amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

IN THE SENATE OF THE UNITED STATES

February 2, 2017

Mr. Nelson (for himself, Mr. Rubio, Mr. Manchin, Mr. Daines, Mr. Casey, Mr. Gardner, Mr. Boozman, Mr. Tester, Ms. Hirono, and Mr. Heller) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

- 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 "Traditional Cigar Man-
- 5 ufacturing and Small Business Jobs Preservation Act of
- 6 2017".

1	SEC. 2. LIMITATION OF AUTHORITY WITH RESPECT TO
2	PREMIUM CIGARS.
3	(a) Exception for Traditional Large and Pre-
4	MIUM CIGARS.—Section 901(c) of the Federal Food,
5	Drug, and Cosmetic Act (21 U.S.C. 387a(c)) is amend-
6	ed—
7	(1) in paragraph (2), in the heading, by insert-
8	ing "FOR CERTAIN TOBACCO LEAF" after "AUTHOR-
9	ITY"; and
10	(2) by adding at the end the following:
11	"(3) Limitation of authority for certain
12	CIGARS.—
13	"(A) In general.—The provisions of this
14	chapter (except for section $907(d)(3)$) shall not
15	apply to traditional large and premium cigars.
16	"(B) Rule of Construction.—Nothing
17	in this chapter shall be construed to grant the
18	Secretary authority to promulgate regulations
19	on any matter that involves traditional large
20	and premium cigars.
21	"(C) Traditional large and premium
22	CIGAR DEFINED.—For purposes of this para-
23	graph, the term 'traditional large and premium
24	cigar'—
25	"(i) means any roll of tobacco that is
26	wrapped in 100-percent leaf tobacco.

1	bunched with 100-percent tobacco filler,
2	contains no filter, tip or non-tobacco
3	mouthpiece, weighs at least 6 pounds per
4	1,000 count, and—
5	"(I) has a 100-percent leaf to-
6	bacco binder and is hand rolled;
7	"(II) has a 100-percent leaf to-
8	bacco binder and is made using
9	human hands to lay the leaf tobacco
10	wrapper or binder onto only one ma-
11	chine that bunches, wraps, and caps
12	each individual cigar; or
13	"(III) has a homogenized tobacco
14	leaf binder and is made in the United
15	States using human hands to lay the
16	100-percent leaf tobacco wrapper onto
17	only one machine that bunches,
18	wraps, and caps each individual cigar;
19	and
20	"(ii) does not include a cigarette (as
21	such term is defined by section 900(3)) or
22	a little cigar (as such term is defined by
23	section 900(11)).".

(b) Conforming Amendments.—Section 919(b) of 1 2 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 3 387s(b)) is amended— 4 (1) in paragraph (2)(B)(II), by inserting ", but excluding traditional large and premium cigars (as 5 such term is defined under section 901(c)(3))" be-6 7 fore the period; and (2) in paragraph (5), by inserting "subject to 8 section 901(c)(3)," before "if a user fee". 9

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