

116TH CONGRESS
1ST SESSION

H. R. 1854

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 HOUSE OF REPRESENTATIVES

MARCH 25, 2019

Ms. CASTOR of Florida (for herself, Mr. POSEY, Mr. KELLY of Pennsylvania, Mr. LUETKEMEYER, Mr. COURTNEY, Mr. HOLDING, Mr. SCHRADER, Mr. CRIST, Mr. CALVERT, Ms. TITUS, Mr. BUDD, Mr. ROONEY of Florida, Mr. YOUNG, Mr. BILIRAKIS, Mr. EMMER, Mr. SENSENBRENNER, Mr. RESCHENTHALER, Mr. HARRIS, Mr. WOMACK, Mr. MAST, Mr. HUNTER, Mr. WILLIAMS, Mr. TURNER, Mrs. MURPHY, Mr. DIAZ-BALART, Mr. BABIN, Mr. HUIZENGA, Mr. CÁRDENAS, Mr. BISHOP of Georgia, Mr. MOONEY of West Virginia, and Mr. HAGEDORN) 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 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Traditional Cigar Man-
3 ufacturing and Small Business Jobs Preservation Act of
4 2019”.

5 **SEC. 2. LIMITATION OF AUTHORITY WITH RESPECT TO**
6 **PREMIUM CIGARS.**

7 (a) EXCEPTION FOR TRADITIONAL LARGE AND PRE-
8 MIUM CIGARS.—Section 901(c) of the Federal Food,
9 Drug, and Cosmetic Act (21 U.S.C. 387a(c)) is amend-
10 ed—

11 (1) in paragraph (2), in the heading, by insert-
12 ing “FOR CERTAIN TOBACCO LEAF” after “AUTHOR-
13 ITY”; and

14 (2) by adding at the end the following:

15 “(3) LIMITATION OF AUTHORITY FOR CERTAIN
16 CIGARS.—

17 “(A) IN GENERAL.—The provisions of this
18 chapter (except for section 907(d)(3)) shall not
19 apply to traditional large and premium cigars.

20 “(B) RULE OF CONSTRUCTION.—Nothing
21 in this chapter shall be construed to grant the
22 Secretary authority to promulgate regulations
23 on any matter that involves traditional large
24 and premium cigars.

25 “(C) TRADITIONAL LARGE AND PREMIUM
26 CIGAR DEFINED.—For purposes of this para-

1 graph, the term ‘traditional large and premium
2 cigar’—

3 “(i) means any roll of tobacco that is
4 wrapped in 100 percent leaf tobacco,
5 bunched with 100 percent tobacco filler,
6 contains no filter, tip, flavor additive, or
7 non-tobacco mouthpiece, weighs at least 6
8 pounds per 1,000 count, and—

9 “(I) has a 100 percent leaf to-
10 bacco binder and is hand rolled; or

11 “(II) has a homogenized tobacco
12 leaf binder and is made in the United
13 States using human hands to lay the
14 100 percent leaf tobacco wrapper onto
15 only one machine that bunches,
16 wraps, and caps each individual cigar;
17 and

18 “(ii) does not include a cigarette (as
19 such term is defined by section 900(3)) or
20 a little cigar (as such term is defined by
21 section 900(11)).”.

22 (b) CONFORMING AMENDMENTS.—Section 919(b) of
23 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
24 387s(b)) is amended—

1 (1) in paragraph (2)(B)(i)(II), by inserting “,
2 but excluding traditional large and premium cigars
3 (as such term is defined under section 901(c)(3))”
4 before the period; and

5 (2) in paragraph (5), by inserting “subject to
6 section 901(c)(3),” before “if a user fee”.

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