



Provisions of “The Family Smoking Prevention and Tobacco Control Act” (S.982)

The **American Cancer Society Cancer Action Network (ACS CAN)** strongly urges the Senate to pass S.982, “The Family Smoking Prevention and Tobacco Control Act,” granting the Food and Drug Administration (FDA) the authority to regulate the manufacturing, marketing, labeling, distribution, and sale of tobacco products.

This legislation is long overdue. Tobacco is responsible for more than 400,000 preventable deaths in the United States each year, yet is exempt from basic health regulations that apply to virtually all consumable products. The FDA is the only agency with the scientific and regulatory expertise necessary to effectively regulate tobacco products.

Provisions in “The Family Smoking Prevention and Tobacco Control Act” include:

- **Restricting youth access to tobacco products and tobacco industry marketing to children.** Regulations can include:
 - ◊ Banning outdoor tobacco advertising within 1,000 feet of schools and playgrounds.
 - ◊ Banning all remaining tobacco brand sponsorships of sports and entertainment events.
 - ◊ Banning free giveaways of any non-tobacco items with the purchase of a tobacco product or in exchange for coupons or proof of purchase.
 - ◊ Limiting any outdoor and all point-of-sale tobacco advertising to black-and-white text only.
 - ◊ Limiting advertising in publications with significant teen readership to black-and-white text only.
 - ◊ Restricting vending machines and self-service displays to adult-only facilities.
 - ◊ Requiring retailers to verify age for all over-the-counter sales and provide for federal enforcement and penalties against retailers who sell to minors.
- **Granting states and localities the authority to further restrict tobacco advertising and promotions.** In addition to the marketing restrictions imposed by the FDA, states and localities would no longer be preempted from imposing restrictions on tobacco advertising and marketing in their communities.
- **Banning flavors, herbs and spices, such as strawberry or grape, in cigarettes used to appeal to young smokers.**
- **Requiring tobacco industry disclosure of the contents of tobacco products and industry product research.** Tobacco companies would be required to disclose all product and smoke ingredients, additives and byproducts. In addition, they would be required to disclose any documents related to the health, toxicological, behavioral or physiological effects of their products.
- **Creating a new “Public Health Standard” for tobacco product regulation.** The FDA would evaluate tobacco products, their marketing and health claims based on a standard for the “appropriate protection of public health.” The FDA’s traditional standard of “safe and effective” does not apply to tobacco products because there is no such thing as a safe tobacco product.
- **Requiring changes in tobacco products.** The FDA could require the removal of harmful ingredients or the reduction of nicotine levels, to make tobacco products less harmful and less addictive. In addition, the FDA would have to complete a report on the impact of the use of menthol in cigarettes on public health, children, and racial and ethnic minorities within one year, although regulations on menthol are not contingent on the report.
- **Prohibiting unsubstantiated health claims.** Tobacco companies would be required to prove that any so-called “reduced harm” tobacco product will significantly reduce the risk of disease to individual consumers and that the marketing of the so-called “reduced harm” product will not discourage current smokers from quitting or encourage new users to start.
- **Requiring larger and more informative health warnings on tobacco products.**
- **Providing adequate funding to the FDA to regulate tobacco products through user fees on tobacco manufacturers.**

Broad support exists for FDA regulation of tobacco products.

The **ACS CAN** joins with all the major national public health organizations, including the American Heart Association, American Lung Association and the Campaign for Tobacco-Free Kids, as well as more than 1,000 national, state and local organizations, including public health, medical, children’s and faith-based groups, in strongly supporting meaningful legislation granting the FDA authority to regulate the manufacturing, marketing, labeling, distribution, and sale of tobacco products.