

CHILD TOBACCO USE PREVENTION ACT OF 2001

The Child Tobacco Use Prevention Act of 2001, H.R. 1044, is comprehensive legislation that is aimed at preventing children from smoking and reducing the health toll of tobacco.

FDA JURISDICTION

The bill explicitly authorizes the Food and Drug Administration (FDA) to regulate tobacco products as a drug or device. The bill also codifies the FDA rule which was struck down as a result of the last year's Supreme Court ruling. In addition, the title directs FDA to revise its regulations to implement key portions of the tobacco settlement proposed by the tobacco industry and the state attorneys general, including the additional restrictions on marketing (to the extent permitted by the First Amendment), new warning labels, and regulation of ingredients.

YOUTH REDUCTION GOALS

The bill establishes a performance-based program to reduce tobacco use by children. Each tobacco manufacturer is given the goals of reducing the percentage of children using its tobacco products by 33 percent in three years, 50 percent in five years, 67 percent in seven years, and 80 percent in 10 years. This approach is "market-oriented" and allows each manufacturer to determine for itself the best combination of measures for achieving the performance goals. Only if a manufacturer is unable to achieve the goals on its own will additional federal requirements apply. These measures include additional price increases (beginning at 1 cent per pack per percentage point missed) and additional access and marketing restrictions.

ENVIRONMENTAL TOBACCO SMOKE

This bill requires public facilities to adopt smoke-free policies. Under these policies, the owner or operator of a public facility must either prohibit smoking or restrict smoking to specially ventilated smoking areas. The definition of public facility includes any building in which activities substantially affecting interstate commerce occur, except for residential buildings, bars, tobacco shops, private clubs, and prisons. Extensions of smoke-free requirements could occur upon a finding that such action is appropriate to protect the public health.

PREVENTION AND EDUCATION INITIATIVES

The bill funds essential federal tobacco prevention and education initiatives. The programs include a national education campaign to discourage tobacco use and FDA enforcement.