

## Congress Passes Historic Tobacco Bill

WASHINGTON (June 12) - No more "light" cigarettes or candy-flavored smokes. Bigger, scarier warning labels. Fewer ads featuring sexy young smokers.

Historic anti-smoking legislation sped to final congressional passage on Friday — after a bitter fight lasting nearly a half-century — and lawmakers and the White House quickly declared it would save the lives of thousands of smokers of all ages. Even more important, they said, the measure could keep countless young people from starting in the first place.

President Barack Obama, admittedly still struggling with his own nicotine habit, saluted passage of the bill, which he will soon sign. He said, "For over a decade, leaders of both parties have fought to prevent tobacco companies from marketing their products to children and provide the public with the information they need to understand what a dangerous habit this is."

Specifically, the measure for the first time will give the Food and Drug Administration authority to regulate what goes into tobacco products, demand changes or elimination of toxic substances and block the introduction of new products.

Will it matter as much as supporters say? Smokers lighting up outside Washington offices had mixed reactions.

Government researcher Reginald Little, 47, who said he swiped his first cigarette from his grandfather at age 15, thought regulation was needed "because you don't know exactly what's in it."

But Becky Cook, a 22-year-old program analyst, said that, while she supported limits on ads aimed at children, "I already know it's bad for me, so I don't think knowing how much is really in one cigarette is really going to make a difference."

And nonsmokers?

Yan Meek, 42, a finance analyst from Jacksonville, Fla., who was visiting the nation's capital with her 8-year-old son, Jesse, doesn't smoke and suggested the legislation would lead to "too much government control over personal lives, personal choices."

Lionel Richardson, 26, an electrical engineer visiting from Huger, S.C., is a non-smoker, too, but called the legislation a good thing. "It's a drug," he said, and "the FDA plays a big part in what drugs are sold." As for restricting advertisements, he said, "They make it sexy so kids think it's the cool thing to do."

The thousand health and consumer groups that endorsed the bill say that, combined with other anti-smoking efforts, it can significantly reduce the 400,000 deaths and \$100 billion in health care costs attributed every year to smoking in the U.S.

Under the legislation:

- Cigarette packages will have warning labels that cover 50 percent of the front and rear. The word "warning" must be included in capital letters.

- Any remaining tobacco-related sponsorships of sports and entertainment events will be banned, as will giveaways of non-tobacco items with the purchase of a tobacco product. A federal ban will be imposed on all outdoor tobacco advertising within 1,000 feet of schools and playgrounds.

- Point-of-sale advertising will be limited to adults-only facilities, and remaining vending machines will disappear except in places restricted to adults. Retailers who sell to minors will be subject to federal enforcement and penalties.

- Smokers, particularly the younger crowd, will find they can no longer buy cigarettes sweetened by candy flavors or any herb or spices such as strawberry, grape, orange, clove, cinnamon or vanilla. Cigarettes advertised as "light" or "mild," giving the impression that they aren't as harmful to health, will no longer be found on store shelves.

With an estimated 3,500 young people smoking their first cigarette each day, the ban on flavorings alone could have significant health benefits, said Dr. Adam Goldstein, director of the University of North Carolina Tobacco Prevention and Evaluation Program.

In the longer run, aggressive FDA efforts

to reduce nicotine content — the bill prohibits an outright ban on nicotine or cigarettes — could "stimulate as dramatic a change in the product as anything we've seen in the last 50 years."

He said it was not inconceivable that adult smokers, now more than 20 percent of the population, could be reduced to less than 5 percent in 20 years.

Other factors that could cut into tobacco use include the sharp rise in prices — Congress earlier this year approved a 62-cent a pack increase in the federal cigarette tax to pay for a children's health program — and measures by the states to ban smoking in public places. Goldstein noted that even North Carolina, the nation's biggest tobacco grower, recently moved to ban smoking in public areas.

Paul Billings, vice president at the American Lung Association, agreed that pricing, education and laws are all needed to drive down smoking and reduce the health consequences. FDA regulation has been "a huge missing piece in the arsenal against tobacco," he said.

New FDA Commissioner Dr. Margaret Hamburg said the agency was ready to "roll up our sleeves" to meet its new obligations. "We really do feel, by being able to regulate tobacco and tobacco products, we can reduce the burden of disease, especially by preventing teen smoking."

The Senate passed the FDA bill on Thursday by a 79-17 vote and the House followed suit on Friday, with a 307-97 vote. Despite those one-sided tallies, the bill has been years in the making.

The FDA tried to exert authority over tobacco products in the 1990s, but the industry fought back and the Supreme Court in 2000 ruled, in a 5-4 decision, that the agency did not have regulatory powers over tobacco under then-existing law. Several efforts by lawmakers since then had fallen short, victims of industry lobbying and opposition from the Bush White House.

Rep. Henry Waxman, D-Calif., sponsor of the bill and chairman at a memorable 1994 hearing where tobacco industry exec-

utives denied that nicotine was addictive, relished the long-sought victory.

“I think we are today at the last gasp of the tobacco industry’s efforts to protect their profits at the expense of the health and lives of the American people and to get children to take up this habit,” he said.

Philip Morris USA, the nation’s largest tobacco company, came out in support of the bill, saying it was behind tough but fair regulation. Its chief rivals were opposed, saying that FDA restrictions on new products would lock in Philip Morris’ share of the market.

Costs of the new program will be paid for by

a new user fee imposed on the industry. The Congressional Budget Office estimated that assessments could rise from \$235 million in 2010 to \$712 million in 2019.

There was some opposition from Republicans who questioned the ability of the FDA to handle tobacco regulation and criticized what they said was another Democratic-led intrusion of the federal government in private business. North Carolina Republican Howard Coble said the bill is unpopular in his state, with its 12,000 tobacco farmers. “Their fear is tobacco today, the family farm tomorrow.”

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Associated Press Writer Ann Sanner contributed to this report.

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The bill is H.R. 1256.

On the Net:

Congress: <http://thomas.loc.gov>