

**AMENDMENT TO THE COMMITTEE PRINT OF H.R.
2339
OFFERED BY MR. HUDSON OF NORTH CAROLINA**

Page 4, line 12, strike “This chapter” and insert “Subject to subsection (c)(3), this chapter”.

Page 8, line 4, insert “or menthol” after “(other than tobacco”.

Page 8, line 7, strike “menthol, mint” and insert “mint”.

Page 8, after line 10, insert the following (and make such conforming changes as may be necessary):

1 “(ii) EXCEPTION FOR SMOKELESS TO-
2 BACCO AND CIGARS.—Notwithstanding
3 clause (i), the prohibition under such
4 clause shall not apply to smokeless tobacco
5 and cigars.”.

At the end of title I, add the following new section (and make such conforming changes as may be necessary):

1 **SEC. 107. 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) and any
15 provisions authorizing the establishment, imple-
16 mentation, and enforcement of any minimum
17 age requirement) shall not apply to traditional
18 large and premium cigars.

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

24 “(C) TRADITIONAL LARGE AND PREMIUM
25 CIGAR DEFINED.—In this paragraph, the term
26 ‘traditional large and premium cigar’—

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

7 “(I) has a 100-percent leaf to-
8 bacco binder and is hand rolled;

9 “(II) has a 100-percent leaf to-
10 bacco binder and is made using
11 human hands to lay the leaf tobacco
12 wrapper or binder onto only one ma-
13 chine that bunches, wraps, and caps
14 each individual cigar; or

15 “(III) has a homogenized tobacco
16 leaf binder and is made in the United
17 States using human hands to lay the
18 100-percent leaf tobacco wrapper onto
19 only one machine that bunches,
20 wraps, and caps each individual cigar;
21 and

22 “(ii) does not include a cigarette or a
23 little cigar.”.

24 (b) CONFORMING AMENDMENTS.—Paragraph (2) of
25 section 919(b) of the Federal Food, Drug, and Cosmetic

1 Act (21 U.S.C. 387s(b)), as amended by section 104(b)
2 of this Act, is further amended by inserting “(excluding
3 traditional large and premium cigars (as such term is de-
4 fined in section 901(e)(3)))” after “each class of tobacco
5 products”.

