

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 2339  
OFFERED BY MS. CASTOR OF FLORIDA**

Page 3, line 20, strike “This chapter” and insert  
“Subject to subsection (c)(3), this chapter”.

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

1 provisions authorizing the establishment, imple-  
2 mentation, and enforcement of any minimum  
3 age requirement) shall not apply to traditional  
4 large and premium cigars.

5 “(B) RULE OF CONSTRUCTION.—Nothing  
6 in this chapter shall be construed to grant the  
7 Secretary authority to promulgate regulations  
8 on any matter that involves traditional large  
9 and premium cigars.

10 “(C) TRADITIONAL LARGE AND PREMIUM  
11 CIGAR DEFINED.—For purposes of this para-  
12 graph, the term ‘traditional large and premium  
13 cigar’—

14 “(i) means any roll of tobacco that is  
15 wrapped in 100 percent leaf tobacco,  
16 bunched with 100 percent tobacco filler,  
17 contains no filter, tip, flavor additive, or  
18 non-tobacco mouthpiece, weighs at least 6  
19 pounds per 1,000 count, and—

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

22 “(II) has a homogenized tobacco  
23 leaf binder and is made in the United  
24 States using human hands to lay the  
25 100 percent leaf tobacco wrapper onto

1                   only one machine that bunches,  
2                   wraps, and caps each individual cigar;  
3                   and

4                   “(ii) does not include a cigarette (as  
5                   such term is defined by section 900(3)) or  
6                   a little cigar (as such term is defined by  
7                   section 900(11)).”.

8           (b) CONFORMING AMENDMENTS.—Section 919(b) of  
9 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
10 387s(b)) is amended—

11           (1) in paragraph (2), as amended by section  
12           104(b) of this Act, by inserting “(excluding tradi-  
13           tional large and premium cigars (as such term is de-  
14           fined under section 901(c)(3)))” after “each class of  
15           tobacco products”; and

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

