

H.R. 5

To clarify the Food and Drug Administration’s jurisdiction over cigars and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2021

Mr. NOAH (for himself, Mr. ROBINSON, Mr. WOLF, and Mr. RUDD)

introduced the following bill;

A BILL

To clarify the Food and Drug Administration’s jurisdiction over cigars and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of
America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Appropriate Traditional Cigar Regulations Act”.

SEC. 2. LIMITATION OF AUTHORITY WITH RESPECT TO TRADITIONAL LARGE CIGARS.

(a) EXCEPTION OF REGULATORY AUTHORITY.—[21 U.S. Code § 387a\(c\)](#) is amended by appending at the end the following:

“(3) LIMITATION OF AUTHORITY FOR CERTAIN CIGARS.—

- “(A) IN GENERAL.—The provisions of this chapter (except for [21 U.S. Code § 387g\(d\)\(3\)](#)) do not apply to traditional large cigars.
- “(B) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to grant the Secretary authority to promulgate regulations on any matter that involves traditional large cigars.
- “(C) TRADITIONAL LARGE CIGAR DEFINED.—for purposes of this paragraph, the term ‘traditional large cigar’ means—
- “(i) any roll of tobacco that—
 - “(I) is wrapped in 100% leaf tobacco;
 - “(II) is bunched with 100% tobacco filler;
 - “(III) contains no filter, tip or non-tobacco mouthpiece; and
 - “(IV) weighs at least 6 pounds per 1,000 count; and—
 - “(aa) has a 100% leaf tobacco binder and is hand-rolled;
 - “(bb) has a—
 - “(AA) 100% leaf tobacco binder; or
 - “(BB) homogenized tobacco leaf binder and is made using human hands to lay the leaf tobacco wrapper or binder onto only one machine that bunches, wraps, and caps each individual cigar; and
 - “(ii) does not include a cigarette (as such term is defined by [21 U.S. Code § 387\(3\)](#)) or a little cigar (as such term is defined by 21 U.S. Code § 387(11)).”.

(b) CONFORMING AMENDMENTS.—

- (i) [21 U.S. Code § 387a\(c\)](#) is amended in paragraph (2) by appending “FOR CERTAIN TOBACCO LEAF” in the heading; and
- (ii) [21 U.S. Code § 387s\(b\)](#) is amended—
 - (1) in subclause (2)(B)(i)(II), by inserting “, but excluding traditional large cigars (as such term is defined under 21 U.S.C. 387a(c)(3)(C))” before the period; and
 - (2) in paragraph (5), by inserting “subject to 21 U.S.C. 387a(c)(3)),” before “if a user fee”.