



The Family Smoking Prevention and Tobacco Control Act of 2009 was signed into law on June 22, 2009.

CONGRESS AND THE TOBACCO INDUSTRY: A Legislative History of the Family Smoking Prevention and Tobacco Control Act of 2009

Edited by William H. Manz

With [more than 70 documents](#) relating to the largest federal initiative against smoking since 1971!

The Family Smoking Prevention and Tobacco Control Act is the most comprehensive federal initiative against smoking since radio and television tobacco advertising was banned in 1971. Motivating forces for this Act include estimates that:

- 21% of American adults smoke cigarettes
- 23% of high school students also smoke
- 438,000 deaths each year can be attributed to smoking

The Act was also intended to meet the requirements set by the Supreme Court ruling in 2000, when it held in *FDA v. Brown & Williamson Tobacco Co.* that the FDA could not regulate tobacco without congressional approval. The Act easily passed both houses of Congress with bipartisan support and was quickly signed into law by President Obama, who is himself an occasional smoker.

The new law directs that a tobacco control center be established within the FDA and gives the FDA authority

to regulate tobacco product content, as well as all aspects of the marketing and sale of these products. The Act contains provisions that allow the FDA to change tobacco product content, including the ability to prevent the manipulation of nicotine content to addict more smokers. It also bans candy and fruit flavored cigarettes, but controversially omits those flavored with menthol. Also banned is use of the advertising terms “mild,” or “light,” or “low tar,” which give the impression that some tobacco products have a lower health risk.

Other provisions call for new rules to permit only face-to-face sales, and provide limits on advertising that could attract younger smokers, including a ban on any outdoor advertising within 1,000 feet of schools and playgrounds. New labeling requirements will compel tobacco companies to include large, graphic warnings on their packaging by 2012.

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The new Act was naturally opposed by most of the tobacco industry, but not by Altria Group, the owner of the tobacco giant Philip Morris, which many believe is well positioned to survive the new law's effects. In Congress, the only serious opposition came from the tobacco farming states, including Kentucky, North Carolina, South Carolina, and Georgia. Major supporters included the American Heart Association and the American Cancer Society. However, some anti-smoking advocates complained during the legislative process that the bill

was ineffectual, while others objected to its failure to ban menthol-flavored cigarettes.

This set contains the text of the Act, the various bill versions, hearings, congressional debate, and Congressional Budget Office reports. It continues the coverage of tobacco-related issues provided by a previous Hein set, *Congress and the Tobacco Industry: The Legislative History of the Universal Tobacco Settlement Act*, published in 2003.

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A Legislative History of the Universal Tobacco Settlement Act

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The endless series of multimillion-dollar lawsuits filed by individuals against major tobacco companies has gained worldwide attention. However, the most serious threat to the tobacco industry was the effort by states to recover Medicaid funds spent on treating smoking-related diseases, an effort that resulted in the tobacco industry agreeing to pay \$368.5 billion over 25 years to reimburse states for health care costs and to fund anti-smoking campaigns.

Recognizing the significance of this proposal, U.S. Senator John McCain attempted to turn this settlement into federal legislation by introducing the Universal Tobacco Settlement Act. A comprehensive bipartisan bill that sought to resolve the tobacco industry's responsibility for smoking-related health costs, the Universal Tobacco Settlement Act provided billions in health care

reimbursement to states and allowed for a ban on class action suits and other aggregated claims against tobacco companies.

The final version of the bill, however, became the subject of much debate and eventually died after a large number of congressional hearings arose. While the bill itself failed, it did lead to the Master Tobacco Settlement of 1998, which was reached without federal government participation.

William S. Hein & Co., Inc. is pleased to offer *Congress and the Tobacco Industry: A Legislative History of the Universal Tobacco Settlement Act*. This compilation includes the documents relating to the legislative history of the McCain bill and the hearings held on various aspects of the tobacco settlement.

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