

JAN 30 1997

COMMERCE AND REGULATION

HOUSE FILE 115
BY DODERER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the disclosure of certain information relating
2 to tobacco products and cigarettes sold in the state and
3 providing a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 115

1 Section 1. NEW SECTION. 453A.57 DISCLOSURE OF
2 INFORMATION -- TOBACCO PRODUCTS AND CIGARETTES.

3 1. Any manufacturer of tobacco products or cigarettes sold
4 in this state shall submit to the Iowa department of public
5 health for the prior calendar year, in a form specified by the
6 Iowa department of public health a report annually, on or
7 before January 15 which lists for each brand and product sold
8 during the prior calendar year, all of the following
9 information:

10 a. The identity of any added constituent, other than
11 tobacco, water, or reconstituted tobacco sheet made wholly
12 from tobacco, to be listed in descending order according to
13 weight, measure, or numerical count.

14 b. The nicotine yield ratings, which shall accurately
15 predict nicotine intake for an average consumer, based upon
16 standards to be established by the Iowa department of public
17 health.

18 2. The nicotine yield ratings provided, and any other
19 information in the annual reports with respect to which the
20 Iowa department of public health determines that there is a
21 reasonable scientific basis for concluding that the
22 availability of the information could reduce risks to public
23 health, shall be public records subject to examination and
24 copying under chapter 22, provided that before the information
25 is publicly disclosed the Iowa department of public health
26 shall request the advice of the attorney general as to whether
27 the disclosure would constitute an unconstitutional taking of
28 property, and shall not disclose the information unless and
29 until the attorney general advises that the disclosure would
30 not constitute an unconstitutional taking.

31 3. A manufacturer shall not be required to identify or
32 disclose the specific amount of any ingredient that has been
33 approved as safe when burned and inhaled by the United States
34 food and drug administration, the United States public health
35 service, or the United States department of health and human

1 services, or that has been designated by the United States
2 food and drug administration as generally recognized as safe
3 when burned and inhaled.

4 4. A manufacturer who violates this section is subject to
5 denial of issuance of a permit or revocation of a permit
6 issued under this chapter and is guilty of a serious
7 misdemeanor.

8 EXPLANATION

9 This bill requires a manufacturer of tobacco products or
10 cigarettes doing business in this state to submit an annual
11 report to the Iowa department of public health which provides
12 information including the identity of any added constituent
13 and the nicotine yield rating of the product. The information
14 submitted is only to be made a public record if the attorney
15 general determines that disclosing the information is not an
16 unconstitutional taking of property. The bill does not
17 require that a manufacturer disclose the specific amount of
18 any ingredient that has been approved by a federal agency as
19 safe when burned and inhaled or which is generally recognized
20 as safe when burned and inhaled by the United States food and
21 drug administration. A manufacturer who violates the
22 requirements of the bill is subject to denial or revocation of
23 a permit and is guilty of a serious misdemeanor.

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