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HUMAN RESOURCES

SENATE CONCURRENT RESOLUTION NO. 105

BY BOETTGER

A Concurrent Resolution relating to the intent of the Iowa General Assembly regarding federal tobacco legislation.

WHEREAS, the Iowa General Assembly has determined that reducing the use of tobacco products by minors is a matter of the highest priority for the people of the state of Iowa; and

WHEREAS, the Iowa General Assembly has determined that strengthening restrictions on minors' access to tobacco products, and implementing appropriate educational campaigns to discourage underage tobacco use, could significantly reduce the use of tobacco products by minors; and

WHEREAS, the Iowa General Assembly has determined that the exposure of minors to tobacco advertising and promotion should be reduced, but that legislatively imposed restrictions may be subject to legal challenges; and

WHEREAS, the Iowa General Assembly is aware of the national tobacco settlement announced on June 20, 1997, negotiated by a core group of state attorneys general, counsel for class action plaintiffs, representatives of the public health community, and the tobacco industry; and

WHEREAS, the Iowa General Assembly is aware that the June 20, 1997, agreement includes elements that, if implemented by the United States Congress, would fundamentally change the way the tobacco industry does

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1 business and achieve major public health goals,

2 including the following:

3 Congress would enact legislation placing tobacco
4 products within the jurisdiction of the United States
5 Food and Drug Administration (FDA), ending the
6 controversy regarding FDA's assertion of jurisdiction
7 over tobacco products and creating a regulatory
8 framework tailored to the special issues presented by
9 these products.

10 All of the provisions of the FDA's tobacco rules
11 designed to reduce underage tobacco use, including
12 sales and advertising restrictions, would become
13 effective, and in some cases would be extended, and
14 new warnings would be required on tobacco product
15 packages and advertising.

16 Targets for reducing underage tobacco use in the
17 next ten years would be established, and the industry
18 would be held financially accountable if those targets
19 were not achieved, without any showing of fault or
20 responsibility on the part of the industry.

21 Congress would enact legislation establishing a
22 federal standard on smoking in public places, and
23 state and local governments would be authorized to
24 enact more restrictive standards.

25 Some of the major civil litigation involving
26 tobacco issues pending in the nation's courts would be
27 settled conclusively, while preserving the right of
28 individuals to seek compensation from the tobacco
29 companies now and in the future for any alleged
30 tobacco-related injuries and to seek punitive damages

1 for future conduct.

2 WHEREAS, the Iowa General Assembly is aware that
3 the tobacco industry has committed to provide \$368.5
4 billion in funding over the next 25 years under the
5 June 20, 1997, agreement, subject to adjustments for
6 inflation and changes in sales volume, with additional
7 payment obligations continuing indefinitely thereafter
8 without any additional charges to the state; and

9 WHEREAS, the Iowa General Assembly has determined
10 that the June 20, 1997, agreement could accomplish
11 results including but not limited to severe
12 advertising restrictions and funding that may not be
13 achievable by legislation without presenting legal
14 challenges, and therefore depends on a consensual
15 arrangement involving the tobacco industry; and

16 WHEREAS, the Iowa General Assembly has determined
17 that the state has a vital interest in securing the
18 state's fair share of tobacco industry funding to help
19 pay for state and local programs to reduce tobacco use
20 by minors and for other important public programs; and

21 WHEREAS, the Iowa General Assembly has determined
22 that the June 20, 1997, agreement requires the ongoing
23 industry payments to be reflected in price increases
24 for tobacco products in order to promote reduction in
25 underage tobacco use; and

26 WHEREAS, the Iowa General Assembly is aware that
27 the June 20, 1997, agreement has been forcefully
28 advocated by the attorneys general and public health
29 representatives who negotiated the agreement, and by
30 others, as offering an unparalleled opportunity to

1 reduce underage tobacco use and advance the public
2 health; and

3 WHEREAS, the Iowa General Assembly recognizes that
4 the June 20, 1997, agreement, by the very nature of
5 the agreement, is a fragile compromise among diverse
6 interests, that the opportunity for approving the
7 agreement may be lost, and that the sweeping changes
8 in tobacco control policy contained in the agreement
9 should not be jeopardized; NOW THEREFORE,

10 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
11 REPRESENTATIVES CONCURRING, That it is the intent of
12 the Iowa General Assembly that the Congress of the
13 United States enact comprehensive tobacco legislation
14 modeled on the June 20, 1997, agreement that allocates
15 to the states, including Iowa, a fair share of the
16 tobacco industry's payments under the agreement, that
17 is competitively fair and consistent with the
18 Constitution of the United States, and that will
19 reduce the availability of tobacco products to
20 underage individuals; and

21 BE IT FURTHER RESOLVED, That a copy of this
22 resolution be provided to the members of Iowa's
23 congressional delegation.

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