

Up In Smoke

By Reg P. Wydeven
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One of my favorite comedians is Dennis Leary. When he first came onto the stand-up scene, about half of his act was about his love of smoking. Dennis would rant about his hatred for condescending people who tried to educate him about the dangers of smoking. He professed his fear about the restrictions on smoking – he said first it was banned on airplanes, then public buildings, then restaurants – and he felt that soon he would only be allowed to smoke in his apartment with the lights off under a blanket.

Well Dennis would certainly be freaked out about the new bill passed by Congress that President Obama has sworn to sign into law that would give the federal government vast new powers to regulate and restrict cigarettes.

Government officials are calling it the most drastic anti-smoking measure since the U.S. surgeon general's report 45 years ago informing Americans that tobacco causes lung cancer, resulting in warning labels on tobacco products.

The new law gives the Food and Drug Administration the authority to regulate tobacco products. That authority would allow the FDA to ban ingredients in tobacco products that are deemed dangerous to health. However, while the agency can limit nicotine yields, it cannot ban nicotine or cigarettes outright. Costs of the new program would be paid for through a fee imposed on tobacco companies.

The new regulatory powers also allow the FDA to restrict the marketing and sales of tobacco products. The agency could prohibit practices that tend to attract younger smokers, such as candy or other flavored cigarettes, limit advertising in publications read by teens and beef up rules on selling to minors. Tobacco companies could also be precluded from marketing tobacco products as "light" or "mild," which imply a reduced health risk. The FDA will most likely require tobacco companies to obtain approval before introducing new products. Finally, warning labels will probably be magnified as well.

The bill, which has been in the works for ten years, was passed by the Senate in a 79-17 vote. The House of Representatives, which passed a similar bill in April, endorsed the Senate's version by a 307-97 vote. In addition to strong opposition from big tobacco and state lawmakers along tobacco road, President Bush vowed to veto the passage of any such bill. Furthermore, the Supreme Court ruled 5-4 in 2000 that the FDA did not have the authority under existing laws to regulate tobacco products.

The heightened scrutiny of tobacco, the single largest cause of preventable death, is to hopefully encourage the estimated 45 million American smokers to quit. Additionally, the measure aims to reduce the 400,000 deaths each year in the U.S. attributable to cigarette smoking, according to the Centers for Disease Control and Prevention. The Congressional Budget Office estimates that the new regulation could reduce underage smoking by 11 percent over the next decade.

The new law is just the latest blow to the tobacco industry. Ten years ago tobacco manufacturers agreed to pay the states \$206 billion for health care costs. Earlier this year Congress raised the federal cigarette tax to \$1.01 a pack, an increase of 62 cents, to fund a health care program for children. Finally, many American cities and towns, in addition to numerous states, either have or are in the process of limiting or outright banning smoking in public places.

It looks like Dennis Leary's worst nightmare has come true.