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FDA REGULATION OF TOBACCO PRODUCTS

The Petroleum Marketers Association of America (PMAA) represents the owners and suppliers of more than 100,000 gasoline station/convenience stores in the United States.

PMAA realizes the grave health effects caused by the use of tobacco products and does not endorse their use by anyone, particularly children. Still, tobacco products are legal for sale in the U.S. and responsible retailers should be allowed to make those products available to adults. PMAA is not opposed to further regulation of the manufacture of tobacco products; however, retail regulation should be left up to the states.

CURRENT LEGISLATION

Recently, the House of Representatives passed the "Family Smoking Prevention and Tobacco Control Act" (H.R. 1256), by a vote of 298 - 112 to give the FDA authority to regulate tobacco products. The bill will now head to the Senate, which is expected to have the votes to adopt the House language in a straight majority vote count. However, Senator Richard Burr (R-NC) may block the bill when it comes to the Senate floor which would then require 60 votes to pass the measure. PMAA urges members of Congress to oppose H.R. 1256 because it would burden small business retailers.

PROBLEMS WITH THE PROPOSED LEGISLATION

PMAA supports provisions that would allow the FDA to regulate sales of tobacco on Native American lands and regulate internet tobacco sales. PMAA continues to be concerned that H.R. 1256 would punish retailers if the packaging, labeling or advertising for tobacco products are found to be out of compliance with regulations that are to be determined by the FDA. Retailers are rarely involved with any of those decisions and should not be punished for manufacturers' mistakes.

Furthermore, H.R. 1256 does not prohibit states or localities from enacting additional measures on the sale, distribution, possession, exposure and access to tobacco products.

CONCLUSIONS

State regulation of tobacco products continues to be enormously successful and should be kept in place. Efforts by retailers to crack down on sales to minors combined with various new state laws have caused youth smoking rates and overall smoking rates to decline for the past several years. PMAA does not see a need to alter a system that is proving effective by introducing a federal bureaucracy into the equation.

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