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THE STATE OF DELAWARE
BILL TEXT
STATENET

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DELAWARE 139TH GENERAL ASSEMBLY

SENATE BILL 40

DELAWARE STATE SENATE
139TH GENERAL ASSEMBLY
SENATE SUBSTITUTE NO. 1
TO
SENATE BILL NO. 40

1997 DE S.B. 40

VERSION: Substituted

VERSION-DATE: May 8, 1997

SYNOPSIS:

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO DISCLOSURE OF
CERTAIN INFORMATION RELATING TO TOBACCO PRODUCTS SOLD IN DELAWARE.

DIGEST:

SYNOPSIS

This Bill requires manufacturers of cigarettes, snuff or chewing tobacco sold
in Delaware to provide the Department of Health and Social Services with an
annual report identifying non-tobacco ingredients and nicotine yield ratings.

TEXT: BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Part II, Title 16, Delaware Code by adding thereto the
following:

"Chapter 29A Tobacco Products and the Public Health

Section 2901 A Tobacco product information

(a) For the purpose of protecting the public health, any manufacturer of
cigarettes, snuff or chewing tobacco sold in the State shall provide the
Department of Health and Social Services with an annual report, in a form and at
a time specified by the Department, which lists for each brand of such product
sold the following information:

(1) The identity of any added constituent other than tobacco, water or
reconstituted tobacco sheet made wholly from tobacco to be listed in descending

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order according to weight, measure or numerical count; and

(2) The nicotine yield ratings, which shall accurately predict nicotine intake for average consumers based on standards to be established by the Department.

(b) The nicotine yield ratings so provided, and any other such information in the annual reports with respect to which the Department determines that there is a reasonable scientific basis for concluding that the availability of such information could reduce risks to public health, shall be public records.

(c) This section shall not require a manufacturer, in its report to the Department or otherwise, to identify or disclose the specific amount of any ingredient that has been approved by the Food and Drug Administration, Public Health Service, United States Department of Health and Human Services ('FDA'), or its successor agency, as safe when burned and inhaled or that has been designated by the FDA, or its successor agency, as generally recognized as safe when burned and inhaled, according to the Generally Recognized As Safe list of the FDA.

Section 2902A Penalties; jurisdiction

(a) Failure of a manufacturer to disclose all information required to be reported in the annual report mandated by Section 2901 A(a) of this Chapter shall be punishable by a civil penalty of not less than \$ 1,000 nor more than \$ 10,000. Each brand for which said information was not so disclosed shall constitute a separate violation. Each day of continued failure to disclose shall constitute a separate violation.

(b) The Superior Court shall have jurisdiction over all violations of this Chapter."

Section 2. The annual reports required in Section 1 of this Act shall be filed beginning in 1998.

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