

HOUSE BILL No. 1095

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-351.5; IC 16-40-3.

Synopsis: Tobacco product information. Requires manufacturers of tobacco products that are sold in Indiana to provide the state department of health with an annual report containing the identity of certain ingredients and nicotine yield ratings for each brand of the manufacturers' tobacco products. Specifies as public documents the annual reports containing the nicotine yield rating and certain other information that the state department of health determines may reduce the risk to public health. Provides that a tobacco manufacturer may not sell a brand of tobacco product unless an annual report containing certain information has been submitted to the state department of health. Requires the attorney general to: (1) advise the state department
(Continued next page)

Effective: Upon passage; July 1, 1998.

Murphy

January 6, 1998, read first time and referred to Committee on Public Health.



Digest Continued

of health as to whether any public disclosure of the information required in the annual report would constitute an unconstitutional taking of property; and (2) enjoin a manufacturer from selling a tobacco product without filing the annual report. Prohibits the state department of health from publicly releasing certain information contained in annual tobacco reports if the state department of health determines that the release of the information would constitute an unconstitutional taking of property.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1095

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 16-18-2-351.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1998]: **Sec. 351.5. "Tobacco product", for**
4 **purposes of IC 16-40-3, has the meaning set forth in IC 16-40-3-1.**
5 SECTION 2. IC 16-40-3 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 1998]:
8 **Chapter 3. Tobacco Product Reports**
9 **Sec. 1. As used in this chapter, "tobacco product" means a**
10 **product made from tobacco that is made for any of the following:**
11 (1) **Smoking.**
12 (2) **Chewing.**
13 (3) **Snuff.**
14 **Sec. 2. A person who manufactures a tobacco product shall**
15 **provide the state department with an annual report for each brand**



1 of tobacco product sold in Indiana. The report must contain the
2 following information:

3 (1) Except for tobacco, water, or a reconstituted tobacco
4 sheet that is wholly made from tobacco, the identity of any
5 added ingredient listed in descending order according to
6 weight or volume. However, the manufacturer is not
7 required to identify an ingredient that the federal Food and
8 Drug Administration has approved as safe when burned and
9 inhaled or recognized as safe when burned and inhaled
10 according to the "Generally Recognized As Safe" list of the
11 Food and Drug Administration.

12 (2) The nicotine yield rating based on federally established
13 standards. The tests to determine the nicotine yield rating
14 must be performed by an independent laboratory approved
15 by the state department.

16 **Sec. 3. The following are public records:**

17 (1) The nicotine yield ratings provided in annual reports
18 submitted under section 2 of this chapter.

19 (2) Other information provided in the annual reports
20 submitted under section 2 of this chapter for which the state
21 department determines there is a reasonable scientific basis
22 to believe that the availability of the information may reduce
23 risks to public health.

24 **Sec. 4. The state department shall adopt rules under IC 4-22-2**
25 **that:**

26 (1) establish the form of the annual reports required under
27 this chapter;

28 (2) establish due dates for annual reports required under this
29 chapter; and

30 (3) are necessary for the administration of this chapter.

31 **Sec. 5. (a) A manufacturer of a tobacco product that fails to**
32 **submit an annual report for a brand of tobacco product as**
33 **required by this chapter may not sell that brand of tobacco**
34 **product in Indiana until the required annual report is submitted.**

35 (b) If a manufacturer of a tobacco product sells a brand of
36 tobacco product without having filed the annual report required
37 under this chapter, the attorney general shall initiate proceedings
38 to enjoin the manufacturer from selling the tobacco product in
39 Indiana.

40 **SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The attorney**
41 **general shall advise the state department of health before July 1,**
42 **1998, as to whether any public disclosure of the information**



1 required in the annual report under IC 16-40-3-2, as added by this
2 act, would be an unconstitutional taking of property.

3 (b) Notwithstanding IC 16-40-3-3, as added by this act, the
4 state department of health may not release information to the
5 public that the state department of health believes would be an
6 unconstitutional taking of property.

7 (c) This SECTION expires July 1, 2002.

8 SECTION 4. An emergency is declared for this act.

