

White House Delays Menthol Cigarette, Flavored Cigar Ban Rules (1)

By Nyah Phengsitthy

- Updated regulatory agenda pushes tobacco rules to next year
- Advocates push for Biden to finalize rule this year

The Biden administration will delay into next year two rules that would wipe menthol cigarettes and flavored cigars off shelves, according to the fall regulatory agenda released Wednesday.

Plans to finalize the two long-awaited tobacco rules were originally set for August 2023, but are now scheduled for March 2024 in the semiannual regulatory roadmap.

“These and other potential future regulatory actions would significantly reduce disease and death from combusted tobacco product use, the leading cause of preventable death in the United States,” the Department of Health and Human Service said Wednesday in a statement regarding its regulatory priorities for fiscal 2024.

The Food and Drug Administration said it remains committed to issuing the standards for menthol in cigarettes and characterizing flavors in cigars as expeditiously as possible, pointing out the rules have been submitted to OMB for review, which is the final step in the rulemaking process.

The cigar industry has been lobbying against the flavored cigar ban, meeting with the White House, and asking it withdraw the rule.

“This gives OMB more time to review the research and realize why neither the science nor economics support a ban on Flavored Cigars,” said David Ozgo, president of the Cigar Association of America, in a statement. The association represents manufacturers, distributors, importers, and suppliers in the cigar industry. Members include AJ Fernandez Cigars, Cheyenne International, and Davidoff of Geneva.

Groups pushing for the rules, including the American Lung Association and Campaign for Tobacco-Free Kids, urged the administration to finalize them by the end of the year.

“The time is now for President Biden to stand up to the tobacco industry and finalize the rules to end menthol cigarettes and flavored cigars. Families are counting on the President to act. These rules must be finalized in 2023,” said Harold Wimmer, President and CEO of the American Lung Association, in a statement.

"It is especially disturbing that this delay comes just two weeks after the tobacco industry and its army of lobbyists met with top officials at the White House," Yolonda C. Richardson, president and CEO for Campaign for Tobacco-Free Kids, said in statement.

"The White House should not be duped by an industry that has repeatedly lied to the public, is lying today about menthol cigarettes, and is responsible for the deaths of millions of Americans," she said.

"This delay betrays the Administration's own top priorities," Richardson added.

(Updated with comment from the Cigar Association of America in sixth paragraph.)

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