

**CHAPTER 179****( HCR 48 )**

A CONCURRENT RESOLUTION urging the United States Food and Drug Administration to withdraw its proposed standard for NNN levels on ingredients and constituents in smokeless tobacco products.

WHEREAS, the United States Food and Drug Administration (FDA) is proposing, in 21 C.F.R. Pt. 1132, a limit of N-nitrosornicotine (NNN) in finished smokeless tobacco products; and

WHEREAS, 1,200 farmers in the United States grow the dark tobacco that makes up the main ingredient of smokeless tobacco products. These farmers, the majority of them residing in Kentucky, raise approximately 24,000 acres of the crop with an estimated cash value of approximately \$173 million per year; and

WHEREAS, almost all the dark tobacco grown in the entire United States is raised within a 50-mile radius of Hopkinsville, with some of the leaf grown in bordering areas of Tennessee; and

WHEREAS, significant manufacturing of smokeless tobacco products is done in Hopkinsville and in Owensboro. Current plans call for two additional projects in Christian County totaling \$42 million in further investments; and

WHEREAS, the proposed rule would establish a limit of NNN in finished smokeless tobacco products. Under the proposed rule, no person may manufacture, distribute, sell, or offer for distribution or sale within the United States a finished smokeless tobacco product that is not in compliance with FDA standards; and

WHEREAS, NNN in tobacco is naturally occurring and can be formed during growing, curing, manufacturing, and even while the products sit on retail shelves; and

WHEREAS, tobacco farmers and manufacturers have worked for years to limit NNN levels; and

WHEREAS, despite these efforts, agronomic variability, including the weather, is the largest contributor to NNN formation in dark tobacco on the farm; and

WHEREAS, the FDA's proposed standard for NNN levels in smokeless tobacco is technically unachievable; and

WHEREAS, the impact of a final rule would be far-reaching and onerous because of the negative impact on agriculture and on manufacturing jobs in Kentucky;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

➔Section 1. The General Assembly urges the United States Food and Drug Administration to withdraw the proposed NNN rule because it is technically unachievable and because doing so would ultimately preserve hundreds of American farming and manufacturing jobs.

➔Section 2. The Clerk of the House of Representatives shall send a copy of this Resolution and notification of its adoption to the Secretary of the United States Department of Health and Human Services, the Commissioner of the United States Food and Drug Administration, each member of Kentucky's delegation to the United States Congress, the two United States Senators representing Tennessee, and the United States Representatives representing House Districts 6 and 7 in Tennessee.

**Signed by Governor April 11, 2017.**