TITLE 25 HEALTH SERVICES

PART 1 DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 101 TOBACCO

§101.1. Purpose.

The purpose of these rules is to implement Texas Health and Safety Code, Chapter 161, Subchapter P, "Disclosure of Ingredients in Cigarettes and Tobacco Products."

§101.2. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

 (1) Annual report--A tobacco manufacturer's annual report to the department, which provides the ingredient information .

 (2) Cigar--A roll of fermented tobacco that is wrapped in tobacco and the main stream of smoke from which produces an alkaline reaction to litmus paper .

 (3) Cigarette--A roll for smoking, made of tobacco or tobacco mixed with another ingredient and wrapped or covered with a material other than tobacco and that is not a cigar.

 (4) Department--The Texas Department of State Health Services.

 (5) Ingredient--Any ingredient, substance, chemical, or compound other than tobacco, water, or reconstituted tobacco sheet made wholly from tobacco, which is present in the product, including flavorants, processing aides, casing sauces, contaminants, combustion modifiers, and packing materials, to the full extent the manufacturer is aware of the presence of any such ingredient.

 (6) Manufacturer--A person who manufactures, fabricates, or assembles, or causes or arranges for the manufacture, fabrication, or assembly of cigarettes or tobacco products for sale or distribution.

 (7) Risks to public health--The possibility or actuality of adverse health effects associated with tobacco use, including nicotine addiction and adverse health effects associated with exposure to environmental tobacco smoke.

 (8) Tobacco product--

 (A) A cigar;

 (B) smoking tobacco, including granulated, plug-cut, crimp-cut, ready-rubbed, and any form of tobacco suitable for smoking in a pipe or as a cigarette;

 (C) chewing tobacco, including Cavendish, Twist, plug, scrap, and any kind of tobacco suitable for chewing;

 (D) snuff or other preparations of pulverized tobacco; or

 (E) an article or product that is made of tobacco or a tobacco substitute and that is not a cigarette or an e-cigarette as defined by Texas Health and Safety Code §161.081.

§101.3. General Requirements for Annual Reports by Manufacturers.

(a) Before December 1 of each year, the manufacturer of any cigarettes or tobacco product distributed in the State of Texas shall report to the department, in accordance with Texas Health and Safety Code, §161.352, the ingredients of any such cigarette or tobacco product. The annual report shall be sent to: Tobacco Prevention and Control Program, Texas Department of State Health Services, PO Box 149347, MC 1965, Austin, Texas 78714; or Tobacco Prevention and Control Program, Texas Department of State Health Services, 1100 West 49th Street, MC 1965, Austin, Texas 78756; or via email to tobacco.free@dshs.texas.gov.

(b) Nothing in this section shall prohibit a manufacturer or distributor of cigarettes or tobacco products from selling such products to an in-state merchant for sale or distribution outside the state.

§101.4. Ingredient Reporting Requirements.

In each annual report, a manufacturer shall provide the following for each brand, sub-brand, and generic unbranded cigarette or tobacco product, including cigars, distributed in the State of Texas.

 (1) A list of all ingredients in the cigarette or tobacco product listed in descending order according to weight, measure, or numerical count, other than tobacco, water, or a reconstituted tobacco sheet made wholly from tobacco. Each ingredient shall be reported by its chemical name and chemical abstract service registry number, if available, on the ingredient reporting form located on the department website: https://www.dshs.texas.gov/tobacco/contactus/.

 (2) The name, job title, address, and telephone number of the individual designated by the manufacturer as the department's contact person concerning Texas Health and Safety Code, Chapter 161, Subchapter P, and this chapter and person responsible for the accuracy of the annual report submitted.

§101.7. Security of Report Information.

(a) The department tobacco program manager (manager) is responsible for the control of ingredient information. The manager shall designate in writing an individual to assume the responsibilities for control of ingredient information in case of the absence or unavailability of the manager.

(b) The manager shall approve a list of department employees with demonstrated need to have access to the space or drive where the ingredient information contained in annual reports submitted pursuant to Texas Health and Safety Code, Chapter 161, Subchapter P, is retained (hereinafter "authorized individuals").

(c) Authorized individuals shall not copy or reproduce by any means brand-specific reported ingredient information contained in an annual report. Authorized individuals shall take all precautions necessary to ensure that no unauthorized person overhears or otherwise intentionally or inadvertently receives such information.

(d) Annual reports shall be retained according to the appropriate department record retention schedule. At the end of the retention period, annual reports shall be destroyed.

(e) Storage Space.

(1) Information identified by the manufacturer as confidential ingredient information in an annual report pursuant to Texas Health and Safety Code, Chapter 161, Subchapter P, that is submitted in hard paper copy shall be secured and maintained in a secure storage space.

(2) Information identified by the manufacturer as confidential ingredient information in an annual report pursuant to Texas Health and Safety Code, Chapter 161, Subchapter P, that is submitted in electronic format (via email) shall be secured and maintained in a secure drive.

 (3) The storage space shall be secured at all times and only authorized individuals will have access to the storage space.

§101.10. Public Information.

(a) Information included in an annual report filed under this chapter is public information and is not confidential unless it is determined to be confidential under Texas Health and Safety Code §161.354.

(b) Before releasing any information, the department shall:

 (1) submit the information to the attorney general with a request that the attorney general make the determinations called for under Texas Health and Safety Code §161.354(b) and (d), and Texas Government Code §552.110;

 (2) submit the information to the attorney general in accordance with procedures set out in the Texas Government Code, Chapter 552, and the attorney general's Public Information Act Handbook;

 (3) contemporaneous with each submission under this subsection, notify the person who submitted the information, so that person may exercise their rights under Texas Government Code §552.305; and

 (4) following an opinion from the attorney general under this subsection, which would allow release of any information, the submitter of the information shall be immediately notified, and the department shall delay release for 30 days to allow:

 (A) the department to make the determination called for in Texas Health and Safety Code, §161.354(c); and

 (B) the submitter of the information opportunity to obtain judicial review of the attorney general's opinion.

TITLE 25 HEALTH SERVICES

PART 1 DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 101 TOBACCO

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***To be located on https://www.dshs.texas.gov/tobacco/contactus/***

**LISTING OF INGREDIENTS IN TOBACCO PRODUCTS REPORTING**

Pursuant to Texas Health and Safety Code, Chapter 161, Subchapter P, and 25 Texas Administrative Code, Chapter 101, in each annual report, a manufacturer shall provide the following information for each brand, sub-brand, and generic unbranded cigarette or tobacco product, including cigars, distributed in the State of Texas.
          (1) A list of all ingredients in the cigarette or tobacco product listed in descending order according to weight, measure, or numerical count, other than tobacco, water, or a reconstituted tobacco sheet made wholly from tobacco. Each ingredient shall be reported by its chemical name and chemical abstract service registry (C.A.S.) number, if available, on the following ingredient reporting form.
          (2) The name, job title, address, and telephone number of the individual designated by the manufacturer as the department's contact person concerning these regulations and person responsible for the accuracy of the report submitted.

**SECTION I – SUBMITTER IDENTIFICATION**

Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
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Job Title \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Telephone Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
Email Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SECTION II – INGREDIENT LIST**

Please list ingredients in descending order according to weight, measure, or numerical count.

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| **Chemical Name** | **C.A.S. Number** |
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**Due December 1 of each year to the Tobacco Prevention and Control Program:**

**Mailing address:** Tobacco Prevention and Control Program, Texas Department of State Health Services, PO Box 149347, MC 1965, Austin TX 78714
**Physical address:** Tobacco Prevention and Control Program, Texas Department of State Health Services, 1100 West 49th Street, MC 1965, Austin TX 78756
**Email:** Tobacco.free@dshs.texas.gov