Tobacco Company Campaign Contributions and Congressional Support of the Cigar Bill

Richard A. Robbins, MD
Phoenix Pulmonary and Critical Care Research and Education Foundation
Gilbert, AZ USA

Abstract

Although it is widely held that campaign contributions influence support for legislation, the impact of contributions is unclear. Despite lack of a tobacco growing or manufacturing constituency, many members of Congress (MOC) in the Southwest support the pro-tobacco Traditional Cigar Manufacturing and Small Business Jobs Preservation Act of 2015 (HR 662/S 441), aka the "Cigar Bill". The association between campaign contributions from tobacco companies (2006-16) with cosponsor for the Cigar Bill were examined. There was a highly significant correlation with 92% of Southwest MOC who cosponsored the Cigar Bill having received campaign contributions. In contrast, 31% of those who did not cosponsoring the bill had received tobacco company campaign contributions (p<0.001 by Fisher's Exact Test). These data demonstrates a highly significant correlation between campaign contributions and legislative support for the "Cigar Bill".

Introduction

It is often accepted that campaign donations buy influence from elected legislators. However, a review by Powell (1) states that "political scientists have had great difficulty determining whether and how much influence contributions have on the legislative process". Studies have been inconsistent with some demonstrating a linkage between campaign contributions and influence while others do not, suggesting that there are other influences in addition to contributions. Powell (1) has pointed out that the influence of donations is likely to occur early in the legislative process such as during cosponsorship for legislation or by directing that funds should be spent on a specific project (earmarks).

The Traditional Cigars Manufacturing and Small Business Jobs Preservation Act of 2015 (HR 662/S 441, aka the "Cigar Bill"), would permanently exempt hand-rolled and certain machine-rolled cigars from any FDA regulation. This legislation is opposed by at least 20 medical and public health organizations, including the American Thoracic Society (ATS), the parent organization of the state thoracic societies, including those in the Southwest US (2). The ATS states that "HR 662 would undermine the science-based process created by the Tobacco Control Act for determining the appropriate level of oversight of tobacco products. The bill would prohibit FDA from promulgating any public health protections related to 'traditional large and premium cigars'. The bill would specifically exempt from FDA oversight some machine-made cigars, including those which can cost as little as $1.00. It also could allow some flavored cigars to qualify for
an exemption. Inexpensive and flavored cigars such as strawberry, grape, cherry, and chocolate, are exactly the type of cigars attractive to young people.” According to the ATS, the bill would create a giant regulatory loophole for the cigar industry to exploit, including advertising to children, growing the candy-flavored cigar market and returning to false advertising tactics such as "light" or "low tar", and allowing certain machine rolled cigars to be widely distributed (2).

The Southwest US is not a tobacco growing or manufacturing region (3). Furthermore, tobacco consumption tends to be low in Southwest US (4). Therefore, the Southwest is a good area to study the influence of campaign contributions on legislative behavior because of the lack of the confounding influence of a constituency that makes a living by tobacco growing or manufacturing and even has a low prevalence of smokers. I examined the correlation between campaign contributions by the tobacco industry to MOC and their cosponsorship of the "Cigar Bill".

**Methods**

**Campaign Contributions**

Tobacco company political action committee (PAC) contributions to Congressional candidates were obtained from the Campaign for Tobacco-Free Kids website (5). Contributions from the years listed (2006-16) were summed and no effort was made to separate recent from more past contributions. The data were examined for Southwest US MOC from Arizona, New Mexico, Colorado, California, Nevada and Hawaii. *Appendix A* shows contributions to individual MOC.

**Cosponsorship of the "Cigar Bill"**

HR 662 and S 441 were introduced in the 2015 Congress by Rep. Bill Posey (R-FL-8) and Sen. Bill Nelson (D-FL) respectively. Cosponsorship was obtained from Congress.gov (6,7). The bill was cosponsored by 165 members of the US House and 20 members of the US Senate. MOC who did or did not the "Cigar Bill" from Arizona, New Mexico, Colorado, California, Nevada and Hawaii are identified in *Appendix B*.

**Statistics**

The relationship between cosponsorship for the "Cigar Bill" and tobacco campaign contributions was done by Fisher's exact test using a 2X2 contingency table. Amounts of campaign contributions were expressed as mean ± SD. The Mann-Whitney U test was used to calculate comparisons of the amounts of campaign contributions.

**Results**

Ninety-two percent of Southwest MOC who cosponsored the "Cigar Bill" had received tobacco campaign contributions. In contrast, only 31% of Southwest MOC who were not cosponsors had received such contributions (p<0.001 by Fisher's Exact Test).
Furthermore, the amount of contributions was larger for those who had cosponsored the bill ($16533 + $21622) compared to those who did not ($4846 + $13214, p<0.01 by Mann-Whitney U test).

**Discussion**

This manuscript shows an association between tobacco campaign contributions and cosponsorship of the pro-tobacco "Cigar Bill". Furthermore, the campaign contributions tended to be larger to those supporting the legislation compared to those who did no cosponsor the bill. Taken together these data suggest an influence of campaign contributions on legislation.

There is no doubt that smoking tobacco is harmful. Cigarette use among adults and high school students is decreasing compelling US tobacco companies to search for new markets (8). The cigar market, especially the flavored cigar market, represents one strategy to increase tobacco consumption and profits. Flavored cigar and electronic cigarette use is increasing in US middle and high school students (9). Tobacco manufacturers have a history of modifying their products to avoid public health protections or attain lower tax rates (2). Therefore, tobacco companies support of the "Cigar Bill" is not surprising. By removing regulation the tobacco companies can increase advertising to children and grow the candy-flavored cigar market (2). Furthermore, it seems likely that cigar manufacturers will modify their products or change their manufacturing processes to qualify for the exemptions provided by the "Cigar Bill" thus increasing the number of cigars on the market.

The title of the HR 662/S 441 is deceiving. The Traditional Cigar Manufacturing and Small Business Jobs Preservation Act is titled to conjure up images of small businesses hand-rolling premium cigars. However, many of the cigars affected by the legislation are not the large, thick, and expensive cigars manufactured with fine tobacco but rather small, thin, cheap cigars that are often flavored (2). There is little tobacco growing or manufacturing in the Southwest US making it difficult for MOC to claim that they are supporting local small manufacturing. Cigar retailers might receive indirect benefit through decreased regulation and increased advertising. MOC could claim tobacco retailers as a legitimate constituency but not tobacco growers or manufacturers.

This manuscript has several limitations. Receiving tobacco company campaign contributions and cosponsoring the "Cigar Bill" does not necessarily represent cause and effect. It seems likely that tobacco companies would be more likely to support legislators that they perceive are sympathetic. As pointed out by Powell (1), the issue of influence is likely more complex. For example, at least 2 of the legislators in Arizona object to smoking on religious grounds but have taken tobacco company contributions.

Political support for any candidate is a complex issue. However, during this election year voters might wish to examine the behavior of their elected representatives and factor in support of pro-tobacco legislation when casting their ballot.
References


