



Please Eliminate Tobacco Possession Penalties in S.288

On behalf of the Coalition for a Tobacco Free Vermont, we urge the Senate Health and Welfare Committee to please strike [Sec. 2 in S.288](#) regarding seizure of tobacco products and to remove any fines on youth attempting to purchase tobacco products.

Youth Purchase Use or Possession (PUP) laws are not effective public health prevention, because they:

- **Distract from more effective enforcement measures:** Penalizing kids is not an effective strategy to reduce youth tobacco use. Some experts argue that PUP laws detract from more effective enforcement measures and tobacco control efforts. ¹
- **Make kids, many of whom are addicted to tobacco, the victims.** PUP laws unfairly punish and stigmatize kids, many of who become addicted because of the tobacco industry's aggressive marketing to kids.
- **Prevent youth from seeking counseling or cessation resources for fear of being fined.**
- **Rather than increasing PUP fines, the onus should be on regulating the behavior of the tobacco industry and the retailers selling these products.** Tobacco companies, including Reynolds America, and their allies have a history of supporting PUP laws as alternatives to tougher tobacco industry regulations that would produce greater declines in youth smoking.

Background

Tobacco and e-cigarette manufacturers claim they do not target youth. Yet, they sell kid-appealing, flavored tobacco products, produce colorful, tech-savvy designs and promote these products through social media. According to the U.S. Surgeon General, we now have an e-cigarette epidemic among our middle and high-school students. The statistics are alarming:

- 90 percent of adult smokers started smoking before the age of 18. ⁱ

¹ 1 Wakefield, M, and Giovino, G, "Teen penalties for tobacco possession, use, and purchase: evidence and issues," Tobacco Control, 12(Suppl1):i6-i13, 2003; Jason, LA, et al., "Youth Tobacco Sales-to-Minors and Possession-Use-Purchase Laws: A Public Health Controversy," J Drug Education, 35(4):275-290, 2005.

- Nearly two-thirds of US middle and high school tobacco users have used at least one *flavored* tobacco product in the past 30 days. The percentage of current tobacco users who reported flavored product use in the past 30 days was:
 - 65.2% for e-cigarettes,
 - 45.7% for menthol cigarettes,
 - 43.6% for cigars,
 - 38.9% for bidis,
 - 37.5% for any smokeless tobacco,
 - 26.5% for tobacco in pipes,
 - and 26.1% for hookah ⁱⁱ
- As of 2014, there were 7,765 flavors of e-cigarettes on the market. ⁱⁱⁱ
- Tobacco industry internet marketing increased from \$125,000 in 1998 to \$36.1 million in 2017 ^{iv}
- The tobacco industry also spends billions on in-store marketing. 29% of Vermont schools are within 1,000 ft of a tobacco retailer. ^v

Public health experts know the evidence-based strategies that help reduce tobacco use and help prevent youth from ever using a tobacco product include: **banning flavors of all tobacco products including mint and menthol, tobacco price increases, comprehensive smoke-free policies and a fully-funded tobacco prevention program that includes strategic anti-tobacco media campaigns.**

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ⁱ U.S. Department of Health and Human Services. The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014 [accessed 2019 Feb 28].

ⁱⁱ Cullen.Karen, et al., Flavored tobacco product use among middle and high school students—United States, 2014-2018. MMWR Morbidity and Mortality Weekly Report, 2019. 68(39);839–844

ⁱⁱⁱ https://tobaccocontrol.bmj.com/content/23/suppl_3/iii3.full

^{iv} U.S. Federal Trade Commission (FTC), Cigarette Report for 2017, 2019, https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2017-federal-trade-commission-smokeless-tobacco-report/ftc_cigarette_report_2017.pdf [data for top 5 manufacturers only].

^v <https://counterbalancevt.com/get-the-facts>