

March 24, 2016

To: Committee on Human Services
From: Rebecca Ryan, Sr. Director, Health Education and Public Policy, Vermont
Re: In Support of H.93

The American Lung Association in Vermont supports H.93, an act relating to raising the smoking age from 18 to 21 years of age. As part of the oldest voluntary health organization in America, our mission remains to save lives by improving lung health and preventing lung disease. While we have come a long way, tobacco remains the leading cause of preventable death and disease in Vermont. The state spends \$348 million each year in tobacco-related healthcare costs, including \$87 million in Medicaid expenses¹.

Older Teens and Young Adults are a Source of Cigarettes for Youth: Studies show that many underage smokers do not purchase their cigarettes from retailers but instead get their cigarettes from “social sources” such as older friends.¹ According to the [2015 Vermont Youth Risk Behavior Survey](#), among smokers under the age of 18, 29% had someone else buy cigarettes and 39% borrowed or bummed cigarettes compared to 9% who bought cigarettes at a gas station or store. Raising the purchase age to 21 would reduce the likelihood that an 18 or even 19 year-old high school student will be able to legally purchase tobacco products for other students and underage friends.

The Tobacco Industry Targets Young Adults: The tobacco industry has a long history of luring youth to its addictive products. Tobacco companies have admitted in their own internal documents that if they don’t capture new users by their early 20s, it is unlikely that they ever will. A Phillip Morris tobacco strategist wrote in a 1986 internal memo that, “Raising the legal minimum age for cigarette purchaser to 21 could gut our key young adult market (17-20) where we sell about 25 billion cigarettes and enjoy a 70 percent market share.”

Prior to the Master Settlement Agreement (MSA) in 1998, the tobacco industry promoted its products directly to kids through advertising and marketing. While the MSA put into place tough restrictions to stop tobacco companies from directing advertising and marketing to kids, the industry drastically increased advertising and marketing budgets and shifted their focus to 18 to 24 year olds.

Increasing the Legal Age in Line with Department of Defense Efforts to Curb Tobacco Use: In 2014, Dr. Jonathon Woodson, assistant secretary of defense for health affairs, said the Department of Defense (DoD) has an added responsibility to curb tobacco use because it is harmful to military readiness. 24% of military personnel are current smokers compared to 19% of the general population. Tobacco use costs the DoD approximately \$1.6 billion a year in

¹ CDC, Best Practices for Comprehensive Tobacco Control Programs, 2014. See also, CDC, *Data Highlights 2006*; CDC's Smoking Attributable Mortality, Morbidity and Economic Costs, SAMMEC, average annual smoking attributable productivity losses from 2000-2004 (updated to 2009 dollars).

healthcare costs and lost work time. There are no more discounts for tobacco products at Navy and Marine Corps exchanges or retail stores. Smoking is banned on U.S. submarines and restricted on ships. The Air Force has expanded smokefree laws on bases to include recreation areas, including beaches and basketball courts. And the DoD has developed *Operation Live Well* to provide encouragement and resources for tobacco users to quit. All of this is an effort to promote health and reduce use of tobacco products among the military. This bill would support those efforts for military here in Vermont.

Increasing the Legal Age Complements Proven Measures to Reduce Tobacco Use: The most effective ways to reduce tobacco are to 1) increase the price of tobacco significantly (by increasing tobacco taxes), 2) pass comprehensive smokefree laws and 3) implement a well-funded comprehensive tobacco control program. Increasing the minimum legal sale age of tobacco products to 21 complements these proven strategies to reduce youth tobacco use, and should not replace them. While implementing this law will not eliminate underage tobacco use, it would offer several benefits that could help reduce youth tobacco use and increase the likelihood that youth will grow up tobacco-free:

- Delaying the age when young people first begin using tobacco would reduce the risk that they will transition to regular or daily tobacco use and increase their chances of quitting, if they become regular users.
- Younger teens would have a harder time passing themselves off as a 21-year-old which could reduce underage sales.

Youth Penalties: In closing, while H.93 does not change the penalties for youth possession, the American Lung Association opposes laws that punish children. Civil or criminal penalties on youth possession or purchase of tobacco products have not been demonstrated to be an effective tobacco control strategy.

Thank you for your time and consideration.

¹ Substance Abuse & Mental Health Services Administration, U.S. Dept of Health & Human Services, 2003 National Survey on Drug Use and Health, September 9, 2004, <http://oas.samhsa.gov/NHSDA/2k3NSDUH/2k3results.htm#ch4>
<http://www.oas.samhsa.gov/nhsda.htm#NHSDAinfo>. (Note: While there have been more recent NSDUH surveys, no questions on youth access have been asked since 2003.)