



## 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. <sup>1</sup>
- **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. <sup>i</sup>

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<sup>1</sup> 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 <sup>ii</sup>
- As of 2014, there were 7,765 flavors of e-cigarettes on the market. <sup>iii</sup>
- Tobacco industry internet marketing increased from \$125,000 in 1998 to \$36.1 million in 2017 <sup>iv</sup>
- The tobacco industry also spends billions on in-store marketing. 29% of Vermont schools are within 1,000 ft of a tobacco retailer. <sup>v</sup>

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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<sup>i</sup> 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].

<sup>ii</sup> 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

<sup>iii</sup> [https://tobaccocontrol.bmj.com/content/23/suppl\\_3/iii3.full](https://tobaccocontrol.bmj.com/content/23/suppl_3/iii3.full)

<sup>iv</sup> 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](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].

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