

Date: January 15, 2026

To: Chair Clarkson and Senate Economic Development Committee Members

From: Diana Wahle, Chair, Windham Co. NAACP Health Justice Committee
(dianawahle@gmail.com)

The Windham County NAACP Health Justice Committee is in full support of S.198 for the following reasons:

It Holds Business and Industry Accountable -- Rather than punishing store clerks, we support holding business and industry accountable for violating Vermont's laws prohibiting the sale of tobacco to youth.

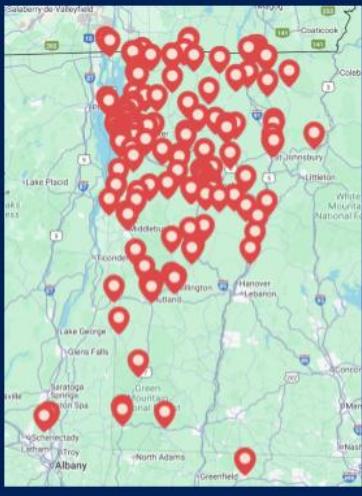
- S.198 has increasing penalties for retailers who sell to kids including a revocation of license by the 5th time this happens
- Vermont's license fees and penalties pale in comparison to other states and Vermont is currently the only state that offers a buy 1 get 1 free option allowing a free tobacco license with an alcohol license.

Aggressive industry marketing has addicted people of color and youth. Retailers who violate VT laws should be penalized, not addicted youth -- Through aggressive marketing by the tobacco industry, the use of menthol by Black people has grown from 5% in 1953 to 85% of Black adult smokers and 7 out of 10 Black youth smokers today. This predatory marketing has been going on for more than 50 years in the form of advertisements, lucrative promotions such as giveaways, coupons, discounts, more tobacco retail outlets, corporate sponsorships and donations to many social, religious, fraternal, and civic black organizations. We know that menthol products are being aggressively marketed in Vermont, and that the industry as a whole mails coupons for cigarettes to non-smokers.

- We know that online sales of tobacco products, including flavored and menthol, are technically already illegal in Vermont. Yet, the reality is, the most popular flavors, including all the candy- flavored products like Puff Bar, Loon or Geek Bar are still being sold online and are able to be easily purchases in Vermont. Beyond online sales, the Geek Bar is back in stores in Windham County after a hiatus.

Loon Retail Map

Map of Loon Retailers in VT



Map of Loon Retailers in Eastern US



The Vermont Confiscated Vape collection showed LOON was number 1 in 2023 to 2024, number 2 in 2024 - 2025 and this year's preliminary data shows it appears to be number 1 again this year. Much more data to collect, but currently it is strongly in the lead.

Source: [Proton Mail](#) secure email.

PUP laws are also inequitable because they disproportionately affect youth of color --

- Youth of color are more likely to smoke because these populations have been targeted via advertising and retailer placement by the tobacco industry.
- In addition to carrying a higher burden of tobacco-related harm, African American and Hispanic youth report higher citation rates than their white peers even after accounting for smoking frequency. These findings mirror disparities recorded throughout criminal justice and school disciplinary systems.
- Enforcement of PUP laws also disproportionately affects youth from low-income communities. High smoking rates are correlated with low income, and there are more tobacco retailers and advertisements in less affluent areas. Consequently, low-income youth are more likely to smoke and to be affected by PUP laws.

S.198 prevents the marketing and sale of tobacco products that mimic school supplies, candy, and other items geared toward youth

- it clarifies the definition of tobacco substitutes
- it institutes a new tax stamp on tobacco substitutes as a way to better track and hopefully limit the mass amount of tobacco products reaching Vermont youth
- it prevents the marketing and sale of tobacco products that mimic school supplies, candy, and other items geared toward youth
- it creates a new position for online sales enforcement

Tobacco prevention education -- Education and training should be provided to clerks and salespeople who violate regulations related to the sale of tobacco products. Current tobacco prevention education will be expanded in the bill by directing all fees and penalties collected from violations to the Tobacco Trust Fund for prevention programs.

For these reasons, the Health Justice Committee membership stands fully in support of S.198.