

# S.198 - IT'S TIME TO STAND UP FOR OUR KIDS

## Big Tobacco Has Gone Too Far

## LET'S PROTECT KIDS FROM BIG TOBACCO

The tobacco industry is stepping up their targeting of kids, and Vermont's enforcement laws are not keeping up.

A proliferation of flavored, high-nicotine products—combined with low prices and deceptive, kid-oriented designs—threatens to undermine state efforts to curb nicotine addiction among young people.

### TEEN TOBACCO USE



Source VT YRBS, 2023

18%

Nearly **one in five** Vermont high school students report using any tobacco product in last 30 days

7%

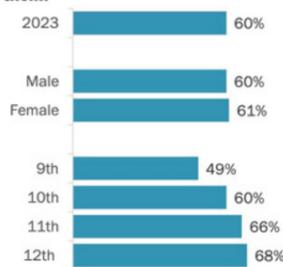
Nearly **one in fifteen** Vermont middle school students report using any tobacco product in last 30 days

### KIDS SAY ITS EASY TO GET THESE PRODUCTS

60%

of high-schoolers report it would be sort of easy to get e-vapor products

Percent of high school students who say it would be sort of or very easy to get electronic vapor products if they wanted them.



Source VT YRBS, 2023



## WHAT S.198 AIMS TO DO:

### Stops Tobacco Industry From Targeting Kids with New Products That Look Like Toys:

- **Prohibit** the marketing and sale of deceptive, kid-oriented devices, such as those imitating food and candy, school supplies, portable devices, products based on a character;
- **Regulate** nicotine pouches, e-cigarettes, alkaloids and other nicotine devices, whether nicotine is natural or synthetic.

### Remove Ineffective Youth Penalties for "PUP laws":

- **Don't penalize youth** many of whom are addicted due to aggressive industry marketing for attempting to purchase, use or possess tobacco products, shift accountability to businesses that break the rules.

### Modernize Tobacco License System to Better Regulate Products:

- **Separate tobacco license from alcohol license** - Vermont allows alcohol retailers to get a tobacco license for free. No other state in the country allows this. This increases the availability of tobacco products and makes enforcement of tobacco laws more difficult;
- **Creates separate tobacco license** with fee covering the cost of licensure and enforcement;
- **Increase fines for selling** without a license, or selling to someone under 21, removes non-consecutive penalties and revokes license after 5th violation;
- **Directs fees, penalties** to tobacco trust fund for prevention;
- **Creates a new position** for tobacco regulation enforcement.

### Equalize Tax System for E-Cigarettes & Tobacco Substitutes:

- **Close loophole** allowing retailers to register as wholesalers to purchase e-cigarettes online, to ensure tax is collected fairly;
- **Create tax stamp** for tobacco substitutes, like cigarettes, making it easy to see if tax has been paid.

## PROHIBIT DECEPTIVE NICOTINE PRODUCTS - DESIGNED TO APPEAL TO KIDS



To attract new young users and make it easier for them to hide their nicotine use from parents and teachers, tobacco companies have created products that look like USB flash drives, pens and juice boxes, toys, high-tech gadgets including "smart" vapes with screens, games, and Bluetooth connectivity, and wearable vaping gear like hoodies and backpacks.

Moreover, many of these discreet products now come with increasingly high levels of nicotine—ensuring faster addiction.



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## REMOVING PUP LAWS - PROVEN HEALTH EQUITY POLICY

What are “PUP laws”? Laws that penalize **purchase, use, and possession**, commonly referred to as “PUP laws,” seek to punish youth for buying, using, or having tobacco products if they are under 21 years old. Research shows PUP Laws:

- Can undermine tobacco prevention efforts
- Are counterproductive in combating nicotine addiction
- Shift focus from the industry and its targeted marketing
- Perpetuate inequities and contribute to high incarceration rate



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“From my perspective, youth nicotine use is a serious health issue and very often a coping issue. Many of the students I work with are not using nicotine to be rebellious. They are anxious, depressed, overwhelmed, or trying to manage stress. When the response is a ticket or a legal consequence, it doesn’t address why the student is using in the first place. More time than not, it creates shame and secrecy. Students become more worried about getting in trouble than about getting help. Their fear makes it harder for them to be honest with adults and delays the moment when we can actually intervene...eliminating penalties for youth possession and shifting accountability to the supply side aligns the law with what we know works in schools and in public health. It gives students a better chance to be honest, to seek help, and to make healthier choices.” - Matt Meunier, Student Assistance Program counselor CVU High School, Baseball Coach at Saint Michael’s College

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## NEW, DISCREET, HIGH-NICOTINE PRODUCTS ARE HARD FOR YOUTH TO QUIT

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“When an addicted teen tries to quit nicotine, the problem of cravings is of course tied to the drug that causes the dopamine rush, Addy says. What’s more, recent animal study research and human brain imaging studies have shown that “environmental cues, especially those associated with drug use, can change dopamine concentrations in the brain,” he says. This means that simply seeing a person you vape with, or visiting a school restroom—where teens say they vape during the school day—can unleash intense cravings. “In the presence of these cues, it’s difficult not to relapse,” Addy says. Yale Medicine

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## VERMONT TOBACCO RETAILER LANDSCAPE



- 2025 - 777 Tobacco Retailers - 90.5% Compliance rate: DLL has done one compliance check per store per year but they are now moving to a sample model;
- Data shows nearly 10% of retailers are failing their once a year check, now is the time for more enforcement capacity
- Enforcement allows for **non-consecutive penalties**
- **Loophole** allowing retailers to register as wholesalers to purchase e-cigarettes online to decrease tax burden provides rationale for enforcement investigator

## RESULTS OF PASSING S.198:

- Vermont youth are better protected from tobacco marketing and products aim at creating lifelong users;
- Youth access to tobacco goes down because unlicensed sellers and those who sell to kids face real consequences;
- Youth are no longer punished for underage sales;
- Retailers operate on a level playing field under clear, modernized rules and equally-applied tax structure;
- The state has a steady funding stream for quitting programs and prevention instead of absorbing high health care costs.

