

AMERICAN LUNG ASSOCIATION OF KENTUCKY

PUBLIC POLICY STATEMENT

TOBACCO

Policy Principle

A tobacco-free society is the goal of the American Lung Association of Kentucky. Tobacco is a highly addictive substance and human carcinogen that causes disease and death. The American Lung Association of Kentucky supports measures to eliminate tobacco use by youth, to regulate tobacco products, to eliminate exposure to environmental tobacco smoke, and to deter tobacco use in the population through legislation, regulation, litigation, media advocacy, education, and promotion of cessation. Our position statements are outlined in accordance with Section 4a (Policy Assessment Tools: Tobacco Control) of the Advocacy in Action Accreditation Outline.

Tobacco Taxation

ALA of Kentucky supports measures to prevent tobacco use by children and youth. To achieve this goal, we will work to:

- Significantly increase cigarette excise taxes to deter consumption, with a total price ceiling that will not invite smuggling (as determined by the most recent data available).
- Enact state excise taxes on other tobacco products.
- Designate portions of the tobacco tax revenue to cover tobacco-related health care costs, tobacco-use prevention programming, and farm diversification efforts clearly aimed at reducing Kentucky's economic dependence on tobacco.

Public Smoking

The ALA of Kentucky supports measures to require totally smoke-free environments to protect public health. These environments may include public buildings, schools, restaurants, vehicles, and living areas. Priority should be given to protect children, pregnant women, and the breathing disabled from environmental tobacco smoke. Kentucky's preemption law should be challenged in the area of public smoking.

Advertising/Promotion

Advertising

The ALA of Kentucky supports measures to eliminate all forms of tobacco advertising and promotion. We support funding for an aggressive anti-smoking campaign that attacks the tobacco industry and challenges social norms about tobacco use and promotion. A portion of these funds should be used to counter the tobacco industry targeting of youth, women, communities of color, the economically disadvantaged and other populations.

Right-to-Know

The ALA of Kentucky supports the public's right to know all information about tobacco products including public disclosure and testing of ingredients and additives. All tobacco documents pertaining to public health or industry misconduct, including those claimed to be privileged, must be disclosed to the public.

Marketing

- Tobacco industry branded merchandise must be eliminated.
- Mail order, Internet promotion and other marketing mechanisms for tobacco products must be prohibited.

The ALA of Kentucky also recognizes and opposes the following TOBACCO INDUSTRY TACTICS often involved in promotion/marketing:

Sponsorships and Partnerships

The ALA of Kentucky supports the elimination of tobacco industry sponsorships. Community, cultural, sports, entertainment, youth and other organizations should refrain from lending their names, engaging in partnerships or accepting donations from tobacco companies.

Ethics and Campaign Finance

The ALA of Kentucky supports strict ethics laws, campaign finance reform and other mechanisms to reduce the tobacco industry's influence on our elected officials and public policy process.

So-called "Smokers Rights"

The ALA of Kentucky opposes laws that elevate smokers to a protected class.

Youth Access

Much of the access to cigarettes by youth is made at the point of purchase. In order to restrict this level of access, the ALA of Kentucky supports:

- Mandatory licensure for tobacco retail outlets
- Monitoring of tobacco retail outlets, applying a graduated series of penalties to the retailer (not the clerk) when illegal sales to minors occur
- Continued use of minors in compliance checks
- Improvement in rate and methods of monitoring tobacco retail outlets to increase the effectiveness of monitoring efforts; (for example more monitoring, especially in dry counties; compliance checks on various days; use of boys as well as girls; and avoidance of citing until all compliance checks for the day are completed)
- Elimination of sale of tobacco through vending machines
- Elimination of self-service displays
- Elimination of preemption, so that local governments may enact laws stricter than state law to limit youth access
- Prohibition or strict regulation of the sale of Bidis

(Note: This may actually be an enforcement issue. Bidis are flavored Indian cigarettes, which fall into the category of cigarettes under the definitions of the FTC, FDA, and MSA, according to Lynn Carol. Technically they should have health warnings, should not be sold to minors, and should be taxed. Additionally, the "loosie" law should prohibit their sale, since they are sold as singles.)

- Deletion from Kentucky Law the phrase, "It shall not be unlawful for such a person to accept receipt of a tobacco product from a family member, or from an employer when required in the performance of the person's duties
- Continued prohibition of the sale of single cigarettes (loosies)
- Continued prohibition of sampling or distribution of free tobacco product samples to minors

We oppose any stand-alone legislation that penalizes minors, but would consider a comprehensive law to halt illegal sales to minors if such a law meets the following conditions:

- enacts civil, not criminal, penalties against a minor, preferably community service, a cessation program, or similar requirements, and
- language is verified, in advance, by the Attorney General or other state official not to inhibit a minor's participation in compliance checks, and
- also penalizes the proprietor, not the clerk, of the retail establishment found selling to minors

Other Public Health Issues

Tobacco Funds

The ALA of Kentucky supports significant increases in tobacco excise taxes and other mechanisms to raise the price of tobacco products. Tobacco-related revenues from excise taxes, government litigation and other mechanisms should fund tobacco prevention, education, cessation, research and enforcement programs. In tobacco-growing states, such as Kentucky, income from excise taxes should be used to reduce farmer dependency on this crop.

Programs

The ALA of Kentucky supports increased funding of tobacco prevention, education, and cessation programs by appropriate entities. Evidence-based tobacco and health education should be included in school curricula. Effective cessation programs should be promoted and utilized when necessary (e.g., NOT- Not on Tobacco – smoking cessation program for adolescents).

Research

The ALA of Kentucky supports increased biomedical and behavioral research, including research on biological and behavioral markers predictive of tobacco use initiation and addiction, research on the use of nicotine replacement therapy with teens, and research on the health effects of tobacco use and environmental tobacco smoke exposure.

Cessation Coverage

The ALA of Kentucky supports healthcare provider reimbursement and patient coverage for effective tobacco use cessation programs including behavior modification and pharmacological intervention.

Divestment

The ALA of Kentucky supports measures to prohibit the investment of public funds, including Social Security and employee pensions, in tobacco companies. Divestment of tobacco company holdings by the public and private sectors should be supported.

Fire Prevention

The ALA of Kentucky supports measures to eliminate fires caused by tobacco products.

Background

The rationale for an aggressive public policy stance on tobacco and health is well established. More than 75,000 peer reviewed studies on tobacco and health have been published in the last three decades. The Reports of the Surgeons General also provide excellent documentation of the health impacts of tobacco use. With this large body of data, specific background on tobacco and health is not provided here.

Tobacco and Health Resources:

U. S. Surgeon General reports beginning in 1964

The National Institutes of Health, the National Cancer Institute

The Centers for Disease Control and Prevention, Office on Smoking and Health

American Journal of Respiratory and Critical Care Medicine

Journal of the American Medical Association

Journal of the American Public Health Association

Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders, USEPA

Health Effects of Exposure to Environmental Tobacco Smoke, California EPA

American Lung Association Resources:

Public Policy Briefing Kit for the 106th Congress

Tobacco Control Advocacy Resource Guide

Trends in Cigarette Smoking

Lung Disease Data