



Jeff Mursau

STATE REPRESENTATIVE • 36TH ASSEMBLY DISTRICT

Senate Committee on Local Government, Small Business, Tourism and Workforce Development
SB 118- Placement of Tobacco Products by Retailers
April 3, 2019

Committee Members -

Thank you for the opportunity to testify in support of Senate Bill 118, related to the placement of cigarettes, nicotine products, or tobacco products by retailers.

Current law already requires that cigarettes be placed behind the counter. This bill simply states that all products that contain tobacco or nicotine also be placed behind the counter or in a locked case. Thirty other states have laws that restrict the placement of tobacco products including our neighboring states of Illinois, Iowa, and Minnesota.

We brought this bill forward because it's important to deter our youth from picking up a deadly and costly habit. While youth smoking rates have fallen since 2004, smokeless tobacco use is on the rise. The Surgeon General of the United States recently referred to e-cigarette use among youth as an epidemic as e-cigarette use among high school students increased 78% in the past year alone.

In an attempt to attract more youth, many of these products come in kid-friendly flavors, such as cherry or bubble gum and they're placed near the chips or candy aisle in the stores. E-cigarettes now come in the shape of a USB flash drive, which makes them easy to conceal.

SB 118 is a bi-partisan bill with more than 60 cosponsors. There are a dozen groups registered in favor of the bill and none of the Wisconsin retailers – those impacted by it – are opposed to the bill. The truth is many of them put the products behind the counter voluntarily as best-practice because it greatly reduces shoplifting incidents.

The rise of tobacco use among youth has become such a problem that at least 10 states with governors from both sides of the aisle have recently raised the age for e-cigarette and tobacco sales to 21. When tobacco costs \$4.7 billion a year in health care costs and lost productivity, why wouldn't we do something as simple as putting these products behind the counter if it can prevent our kids from a future of addiction and poor health?

Once again, thank you for holding a public hearing on this important piece of legislation. I am happy to answer any questions you may have.

Surgeon General's Advisory on E-cigarette Use Among Youth

*I, Surgeon General of the United States Public Health Service, VADM Jerome Adams, am emphasizing the importance of protecting our children from a lifetime of nicotine addiction and associated health risks by immediately addressing the epidemic of youth e-cigarette use. The recent surge in e-cigarette use among youth, which has been fueled by new types of e-cigarettes that have recently entered the market, is a cause for great concern. **We must take action now to protect the health of our nation's young people.***

KNOW THE RISKS. TAKE ACTION. PROTECT OUR KIDS.

The E-cigarette Epidemic Among Youth

Considerable progress has been made in reducing cigarette smoking among our nation's youth.¹ However, the tobacco product landscape continues to evolve to include a variety of tobacco products, including smoked, smokeless, and electronic products, such as e-cigarettes.² E-cigarettes are designed to deliver nicotine, flavorings, and other additives to the user via an inhaled aerosol.²

E-cigarettes entered the U.S. marketplace around 2007, and since 2014, they have been the most commonly used tobacco product among U.S. youth.² E-cigarette use among U.S. middle and high school students increased 900% during 2011-2015, before declining for the first time during 2015-2017.³ However, current e-cigarette use increased 78% among high school students during the past year, from 11.7% in 2017 to 20.8% in 2018.⁴ In 2018, more than 3.6 million U.S. youth, including 1 in 5 high school students and 1 in 20 middle school students, currently use e-cigarettes.⁴

E-cigarette aerosol is not harmless.² Most e-cigarettes contain nicotine – the addictive drug in regular cigarettes, cigars, and other tobacco products.² Nicotine exposure during adolescence can harm the developing brain – which continues to develop until about age 25.² Nicotine exposure during adolescence can impact learning, memory, and attention.^{1,2} Using nicotine in adolescence can also increase risk for future addiction to other drugs.^{1,2} In addition to nicotine, the aerosol that users inhale and exhale from e-cigarettes can potentially expose both themselves and bystanders to other harmful substances, including heavy metals, volatile organic compounds, and ultrafine particles that can be inhaled deeply into the lungs.²

Many e-cigarettes also come in kid-friendly flavors. In addition to making e-cigarettes more appealing to young people,⁵ some of the chemicals used to make certain flavors may also have health risks.² E-cigarettes can also be used to deliver other drugs, including marijuana.² In 2016, one-third of U.S. middle and high school students who ever used e-cigarettes had used marijuana in e-cigarettes.⁶

For adults, e-cigarettes may have the potential to reduce risk for current smokers if they completely transition from cigarettes to e-cigarettes; however, a majority of adults who use e-cigarettes also smoke cigarettes.⁷ For youth, the use of multiple tobacco products puts youth at even greater risk for addiction and tobacco-related harms.^{1,2} Moreover, a 2018 National Academy of Sciences, Engineering, and Medicine report concluded that there was moderate evidence that e-cigarette use increases the frequency and intensity of cigarette smoking in the future.⁷ But any e-cigarette use among young people is unsafe, even if they do not progress to future cigarette smoking.²

E-cigarettes Come in Many Shapes and Sizes

E-cigarettes are a rapidly changing product class, and are known by many different names, including "e-cigs," "e-hookahs," "mods," and "vape pens."² Recently, a new type of e-cigarette has become increasingly popular among our nation's youth due to its minimal exhaled aerosol, reduced odor, and small size, making it easy to conceal.⁸ Many of these new e-cigarettes look like a USB flash drive, among other shapes. One of the most commonly sold

USB flash drive shaped e-cigarettes is JUUL, which experienced a 600% surge in sales during 2016-2017, giving it the greatest market share of any e-cigarette in the U.S. by the end of 2017.⁹ Other companies are now also starting to sell e-cigarettes that look like USB flash drives.

All JUUL e-cigarettes have a high level of nicotine. A typical JUUL cartridge, or “pod,” contains about as much nicotine as a pack of 20 regular cigarettes.¹⁰ These products also use nicotine salts, which allow particularly high levels of nicotine to be inhaled more easily and with less irritation than the free-base nicotine that has traditionally been used in tobacco products, including e-cigarettes. This is of particular concern for young people, because it could make it easier for them to initiate the use of nicotine through these products and also could make it easier to progress to regular e-cigarette use and nicotine dependence. However, despite these risks, approximately two-thirds of JUUL users aged 15-24 do not know that JUUL always contains nicotine.¹¹

You Can Take Action

We must take aggressive steps to protect our children from these highly potent products that risk exposing a new generation of young people to nicotine.^{2,7} The bad news is that e-cigarette use has become an epidemic among our nation’s young people. However, the good news is that we know what works to effectively protect our kids from all forms of tobacco product use, including e-cigarettes.^{1,2,12} We must now apply these strategies to e-cigarettes, including USB flash drive shaped products such as JUUL. To achieve success, we must work together, aligning and coordinating efforts across both old and new partners at the national, state, and local levels. Everyone can play an important role in protecting our nation’s young people from the risks of e-cigarettes.

Information for Parents

- **You have an important role to play in addressing this public health epidemic.**
- Learn about the different shapes and types of e-cigarettes and the risks of all forms of e-cigarette use for young people at <https://e-cigarettes.surgeongeneral.gov/>.
- Set a good example by being tobacco-free. If you use tobacco products, it’s never too late to quit. Talk to a healthcare professional about quitting all forms of tobacco product use. For free help, visit smokefree.gov or call 1-800-QUIT-NOW.
- Adopt tobacco-free rules, including e-cigarettes, in your home and vehicle.
- Talk to your child or teen about why e-cigarettes are harmful for them. It’s never too late.
- Get the Surgeon General’s tip sheet for parents, [Talk With Your Teen About E-cigarettes](https://e-cigarettes.surgeongeneral.gov/), at <https://e-cigarettes.surgeongeneral.gov/>. Start the conversation early with children about why e-cigarettes, including JUUL, are harmful for them.
- Let your child know that you want them to stay away from all tobacco products, including e-cigarettes, because they are not safe for them. Seek help and get involved.
 - Set up an appointment with your child’s health care provider so that they can hear from a medical professional about the health risks of tobacco products, including e-cigarettes.
 - Speak with your child’s teacher and school administrator about enforcement of tobacco-free school policies and tobacco prevention curriculum.
 - Encourage your child to learn the facts and get tips for quitting tobacco products at Teen.smokefree.gov.

Information for Teachers

- **You have an important role to play in addressing this public health epidemic.**
- Learn about the different shapes and types of e-cigarettes and the risks of all forms of e-cigarette use, including JUUL, for young people at <https://e-cigarettes.surgeongeneral.gov/>.
- Develop, implement, and enforce tobacco-free school policies and prevention programs that are free from tobacco industry influence, and that address all types of tobacco products, including e-cigarettes.

- Engage your students in discussions about the dangers of e-cigarette use. To help you, the Food and Drug Administration (FDA), and Scholastic, developed free resources for teachers. These materials can be found at www.scholastic.com/youthvapingrisks.

Information for Health Professionals

- **You have an important role to play in addressing this public health epidemic.**
- Learn about the different shapes and types of e-cigarettes and the risks of all forms of e-cigarette use, including JUUL, for young people at <https://e-cigarettes.surgeongeneral.gov/>.
- Ask about e-cigarettes, including small, discreet devices such as JUUL, when screening patients for the use of any tobacco products.
- Educate patients about the risks of all forms of tobacco product use, including e-cigarettes, for young people.
- Encourage patients to quit. For free help, patients can visit smokefree.gov or call [1-800-QUIT-NOW](tel:1-800-QUIT-NOW).

Information for States, Communities, Tribes, and Territories

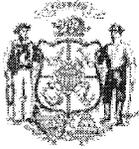
- **You have an important role to play in addressing this public health epidemic.**
- Implement evidence-based population-level strategies to reduce e-cigarette use among young people, such as including e-cigarettes in smoke-free indoor air policies, restricting young peoples' access to e-cigarettes in retail settings, licensing retailers, implementing price policies, and developing educational initiatives targeting young people.
- Implement strategies to curb e-cigarette advertising and marketing that are appealing to young people.
- Implement strategies to reduce access to flavored tobacco products by young people.

KNOW THE RISKS. TAKE ACTION. PROTECT OUR KIDS.

References

1. Office of the Surgeon General. *The Health Consequences of Smoking-50 Years of Progress: A Report of the Surgeon General*. Atlanta, GA: US Department of Health and Human Services, Centers for Disease Control and Prevention (US), National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2014. <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.
2. Office of the Surgeon General. *E-cigarette Use among Youth and Young Adults: A Report of the Surgeon General*. Washington, DC: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention; 2016. https://www.cdc.gov/tobacco/data_statistics/sgr/e-cigarettes/pdfs/2016_sgr_entire_report_508.pdf.
3. Wang TW, Gentzke A, Sharapova S, et al. Tobacco Use Among Middle and High School Students - United States, 2011-2017. *MMWR Morbidity and Mortality Weekly Report*. 2018;67(22):629-633.
4. Cullen KA, Ambrose BK, Gentzke AS, Apelberg BJ, Jamal A, King BA. Notes from the Field: Increase in use of electronic cigarettes and any tobacco product among middle and high school students - United States, 2011-2018. *MMWR Morbidity & Mortality Weekly Report* 2018; 67(45):1276-1277.
5. Ambrose BK, Day HR, Rostron B, et al. Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014. *Jama*. 2015;314(17):1871-1873.
6. Trivers KF, Phillips E, Gentzke AS, Tynan MA, Neff LJ. Prevalence of Cannabis Use in Electronic Cigarettes Among US Youth. *JAMA pediatrics*. 2018;172(11):1097-1099.
7. National Academies of Sciences, Engineering, and Medicine. 2018. Public Health Consequences of E-Cigarettes. Washington, DC: The National Academies Press. <https://doi.org/10.17226/24952>.
8. Ramamurthi D, Chau C, Jackler RK. JUUL and other stealth vaporisers: hiding the habit from parents and teachers. *Tob Control*. 2018. Epub ahead of print. doi: 10.1136/tobaccocontrol-2018-054455.
9. King BA, Gammon DG, Marynak KL, Rogers T. Electronic Cigarette Sales in the United States, 2013-2017. *Jama*. 2018;320(13):1379-1380.

10. Willett JG, Bennett M, Hair EC, et al. Recognition, use and perceptions of JUUL among youth and young adults. *Tob Control*. 2018. Epub ahead of print. doi: 10.1136/tobaccocontrol-2018-054273.
11. Truth Initiative. JUUL e-cigarettes gain popularity among youth, but awareness of nicotine presence remains low. <https://truthinitiative.org/news/juul-e-cigarettes-gain-popularity-among-youth>.
12. US Department of Health and Human Services. *Preventing tobacco use among youth and young adults*. Atlanta, GA: US Department of Health and Human Services, CDC;2012. https://www.cdc.gov/tobacco/data_statistics/sgr/2012/index.htm.



ANDRÉ JACQUE

STATE SENATOR • 1ST SENATE DISTRICT

Phone: (608) 266-3512
Fax: (608) 282-3541
Sen.Jacque@legis.wi.gov

State Capitol • P.O. Box 7882
Madison, WI 53707-7882

Testimony in Support of SB 118

Dear Colleagues,

Thank you for the opportunity to testify before you as the Senate author of SB 118. I appreciate your attention on this important bill. As you know, Senate Bill 118 will require all tobacco products to be kept behind the counter or in another place that is inaccessible to customers without the aid of a retail employee. This commonsense legislation has garnered broad bipartisan support both now and last session. I was a co-sponsor and member the Assembly committee which heard the bill last session when it received unanimous support in the Senate but unfortunately was not brought to the Assembly floor for a vote. We aim to improve on that this year.

According to federal law, retailers are required to keep cigarettes, loose tobacco, and chewing tobacco behind a counter where an employee must retrieve it for the customer. This does not apply to other tobacco products like cigars and cigarillos, which can be left in open displays.

It makes very little sense to require retailers to keep some tobacco products behind the counter but not others.

Additionally, we believe that the added requirement of asking a clerk for the product, instead of simply placing the product on a counter for purchase, presents an extra barrier against the purchase of tobacco products that could prevent a young person from doing so, as well as an obstacle to shoplifting.

According to the CDC, 7.8% of high school students reported smoking a cigarette at least once in the last 30 days, and a nearly equal number – 7.6% - reported smoking a cigar in the last 30 days. That's over three times the rate of cigar use reported by adults: only 2.4% of adults reported smoking cigars.

On the other hand, cigarette use among teenagers was significantly lower than among adults.

I've had many conversations with student organizations across my district in strong support of this legislation and the positive impact it will have with their peers.

This bill won't stop all underage smoking, and there is other important legislation I've brought forward to prevent youth use of e-cigarettes. But we know that the health consequences of smoking are great enough and expensive enough that preventing our youngest and most vulnerable people from taking up the habit should be a top priority.

Thank you for your time and I'll be happy to answer any questions.



PATTY SCHACHTNER

STATE SENATOR

**Senate Committee on Local Government, Small Business,
Tourism and Workforce Development**

**Senate Bill 118
Tobacco Product Placement**

Chairman Jacques and Committee Members:

Thank you for holding a hearing on this important bill, which will restrict the placement of tobacco and nicotine products in retail establishments. I agree with the other authors of this proposal, it is important that we engage in efforts to limit easy access to dangerous tobacco products for young people. As a former school health care provider, I know how young people can easily develop bad habits that can impact their health and wellbeing for many years to come.

Thankfully, the number of young people developing a smoking habit has been steadily decreasing. However, the number of young people using e-cigarettes, known as vaping, is increasing. The amount of nicotine involved in vaping is far greater than that in cigarettes. One single cartridge in an e-cigarette has as much nicotine as a whole pack of cigarettes, which has a dramatic negative impact on oral health.

One of my top priorities as a legislator is to support the health and wellness of young people in Western Wisconsin. We know that tobacco use is directly linked to many diseases, including cancer. This proposal supports young people making healthy decisions by limiting access to products we know are dangerous.

As the Chief Medical Examiner in St. Croix County I have seen the devastating impact of lifestyle disease in our communities. Addiction to drugs of all kinds is increasing and it has created a public health crisis all over our state. For many young people, tobacco use is an early addiction habit that can lead to other drug use. By restricting the placement of all tobacco and nicotine products, not just cigarettes, it is my hope that we can prevent the negative health consequences associated with these products. I strongly encourage you to support this proposal. Thank you for your consideration.

SERVING WISCONSIN'S 10TH SENATE DISTRICT

Capitol Office: P.O. Box 7882 • Madison, WI 53707-7882 • (608) 266-7745 • Sen.Schachtner@legis.wi.gov • www.SenatorSchachtner.com



Wisconsin Medical Society

TO: Members of the Senate Committee on Local Government, Small Business,
Tourism and Workforce Development

FROM: Lisa Davidson – Vice President, Community Relations and Advocacy

DATE: April 4, 2019

RE: Testimony on Senate Bill 118

The Wisconsin Medical Society is the professional voice of physicians throughout Wisconsin with the mission of improving the health of the people of Wisconsin by strengthening physicians' ability to practice high-quality care. We are pleased to join several of our public health partners in supporting this bill and thank the authors and co-sponsors for their support.

The Wisconsin Medical Society, recognizing the evidence of adverse effects that tobacco use, addiction and smoking have on the health of Wisconsin residents, tobacco users and non-users alike, supports restricting sales of tobacco products to minors.

Youth use of tobacco products in any form is not safe. Preventing tobacco products use amongst youth is critical to ending the tobacco epidemic we have worked to stem in Wisconsin and the United States. According to the Centers for Disease Control and Prevention, youth who use multiple tobacco products are at higher risk for developing nicotine dependence and might be more likely to continue using tobacco into adulthood.

According to the Food and Drug Administration, the adverse health effects from tobacco use cause more than 480,000 deaths each year in the United States. Smoking is a major cause of cardiovascular disease, which is the single leading cause of death in the United States. Smoking causes 1 of every 3 deaths from cardiovascular disease.

I would like to reinforce some key reasons to support this legislation.

- All tobacco products should be treated the same. One product should not be more accessible than another. Traditional cigarettes are already required to be behind the counter. Unfortunately, some tobacco products, such as e-cigarettes are now using candy flavors which confuse children and adults alike when next to chocolate bars and gum. Candy and other tobacco products should not be in the same location in a store. Our kids deserve better.
- Second, all sales of tobacco, including e-cigarettes should be clerk assisted. This provides an important opportunity for verification of age, prevention of theft and removes it from the line of sight from children.

- Lastly, Wisconsin has made significant gains in reducing tobacco use. Not only has this improved health and saved lives, it has also saved taxpayers from covering the expense of tobacco related diseases. We should continue to examine best practices and implement policies to continue this trend.

We are very pleased to note the strong bi-partisan support for Senate Bill 118. The Wisconsin Medical Society appreciates the opportunity to weigh in on this issue and asks you to support this legislation. Thank you.

Chairman Jacque and members of the committee, thank you for allowing me to speak to you today. My name is Kay Mittelstadt-Lock and I live in Fond du Lac, Wisconsin.

As an advocate for the American Cancer Society Cancer Action Network (ACS CAN), I am a passionate supporter of tobacco policies that strive to keep tobacco products out of the hands of children. I am a mother of four, and my oldest son is a childhood cancer survivor. I know first-hand the horrific details of what a cancer diagnosis means.

My son Ian was diagnosed with osteosarcoma, a rare bone cancer, in September of 2010. He was 16 years old. He was a star football and baseball player and had hoped to play football at the college level. To this day, every time I hear, or see, the word cancer I think of Ian in pain, throwing up, barely able to stand, and getting gallons of toxic chemicals called chemotherapy pumped into him. It was debilitating for my husband and I to watch and took every ounce of strength we had to keep going for Ian and our other three kids. Thankfully, Ian is doing well and just got accepted to Duke University's Molecular Cancer Biology PhD Program.

There is nothing we could have done to prevent Ian's cancer. However, we ALL must do what we can to prevent cancers caused by tobacco, and we can do that by making sure that kids never start using tobacco products. We know that the tobacco industry is enticing our children with these products because they make them in kid friendly flavors such as grape, cotton candy and watermelon and put them in colorful fun looking wrappers on displays where children can have easy access to them. Nationally, four out of five youth who have ever used tobacco start with a flavored product. I have a 17-year-old daughter. A very real fear that I have is that she will be enticed by these products and succumb to the temptation of trying them, thinking they are harmless—because—they look harmless.

Our family recently stopped at a gas station that had a fast food restaurant in it. As we walked through the gas station we passed a very large, long display with brightly colored products packaged in fun looking wrappers. It took me a minute to realize that it wasn't candy, but rather a whole range of tobacco products. It is infuriating to me that these displays are intended to lure children to these products.

I know the pain that follows the words "you have cancer". Please do your part to prevent other families from hearing those words. On behalf of my family, and the many who will benefit from the life-saving impact of this policy, I ask that you please vote yes on SB118 to keep tobacco products out of the hands of children and protect them from a lifelong tobacco addiction.

Thank you,

Kay Mittelstadt-Lock
N7733 Lakeshore Dr
Fond du Lac, WI 54937

Good morning Chairman Jacque and distinguished members of the Local Government, Small Business, Tourism and Workforce Development Committee,

Thank you for the opportunity to speak with you today about a critical step we can take in protecting Wisconsin kids from tobacco.

My name is Sara Sahli, Wisconsin Director for the American Cancer Society Cancer Action Network. ACS CAN is an evidence-based organization that convenes scientists, researchers, medical providers and patients to work to save lives and eliminate death and suffering from cancer. We are a nonpartisan, non-profit membership organization. I want to recognize and thank Sen. Jacque as the lead sponsor and others on this committee who are among 61 bi-partisan cosponsors for Senate Bill 118. A bill to put all tobacco products in locations that are inaccessible to customers without the assistance of the retailer.

Last session, this legislation passed unanimously out of the Senate committee and passed the Senate on a voice vote. This session, we gained 20 additional cosponsors for this bill and have a memo of support from nearly 20 health organizations here in Wisconsin.

ACS CAN believes that all tobacco products should be behind the counter, because this limits their accessibility to youth.

Senate Bill 118 addresses store placement of tobacco and nicotine products. Current law requires cigarettes to be sold from behind a store counter, but other tobacco products such as little cigars, cigarillos and e-cigarette liquid can be sold in front of the counter or on the store floor. The placement increases their visibility to young users, who are attracted to their fun colors and candy flavors.

Strategic placement of tobacco products is an integral component of tobacco industry marketing.ⁱ In fact, in 2013 the tobacco industry spent \$291 million in promotional allowances to tobacco retailers for the strategic placement and shelving of tobacco products.ⁱⁱ

Tobacco use remains the single largest preventable cause of disease and premature death in the United States. Every year, 2,600 kids under 18 become new daily smokers in Wisconsin.ⁱⁱⁱ

Additionally, we have seen a significant increase in the use of **other** tobacco products. Electronic cigarettes. Little cigars. Sweet candy flavors. The next generation of addictive tobacco products is here, and most of

them don't look anything like a pack of cigarettes. 1 in 4 high school students and 1 in 9 middle school students use e-cigarettes... From 2014 to 2018, there was a 154% increase in e-cigarette use among students. and 9.1 percent of our male high school students smoke cigars.^{iv} We must reverse this trend.

While traditional cigarette smoking rates have dropped, the tobacco industry has created new products to keep users hooked and find new customers. These "other tobacco products" (OTPs) are harmful and addictive, plus they're marketed aggressively and priced inexpensively.

This is a serious problem that needs to be addressed in a variety of ways. The same logic that explains why we don't want children to browse cigarettes makes sense for these products...it's one common-sense solution we can apply. Many of these other tobacco products currently not required to be behind a counter come in flavors that are attractive to young people including chocolate, cotton candy, and cherry. Behind the counter is the right place for all tobacco products. We ask you to fully support Senate Bill 118 to protect Wisconsin kids.

As I stated earlier, we are an evidence based organization that can provide many statistics, however

I think the stories of our volunteers who want to protect kids can provide the real story of why SB118 is so important. I want to call your attention to three documents of written testimony submitted today by ACS CAN volunteers and you will have the opportunity to hear from one of our advocates in person today.

I urge you to vote yes on SB 118.

Thank you, Chairman, and members for your time.

ⁱ Countertobacco.org. Restricting Product Availability, Placement, and Packaging. <http://countertobacco.org/policy/restricting-product-availability-placement-and-packaging/>

ⁱⁱ Countertobacco.org. Restricting Product Availability, Placement, and Packaging. <http://countertobacco.org/policy/restricting-product-availability-placement-and-packaging/>

ⁱⁱⁱ Campaign for Tobacco-Free Kids. The Toll of Tobacco in Wisconsin. Updated September 18, 2017.

^{iv} Campaign for Tobacco-Free Kids. The Toll of Tobacco in Wisconsin. Updated September 18, 2017.

Dear Chairman Jacque and members of the Committee on Local Government, Small Business, Tourism and Workforce Development,

I have been an advocate for the American Cancer Society as well as the general well-being for all for many years. I believe it's extremely important for everyone to try to live their best life which I know, can mean many different things for people.

I also know that it's not always easy and sometimes a person is not able to control all of the issues they may face throughout their lifetime. I know this, because I have seen it first-hand. My mom is a breast cancer survivor and has also been a smoker for over 40 years. We believe that she could not control the fact that she got breast cancer as many women in her family have dealt with the disease, but we do know that she should be able to control her smoking. She began smoking in her teenage years and made unsuccessful attempts to quit throughout the years. Throughout her cancer treatment she just could not completely stop even though she wanted to. For her, because she had been introduced to tobacco at a young age, it became too difficult to quit as she grew older even with her health issues.

As a mother myself, I have many concerns about the challenges my son will face someday, and tobacco is absolutely one of them. The colorful packaging and candy-like flavors that tobacco products have today make it extremely hard to distinguish between harmful products and candy. Until ALL tobacco products are put behind the counter where they can be monitored, no child is safe from the temptation to explore them.

I hope that I never have to see my son using tobacco products. But, until all of them are put behind the counter and out of reach of children I will continue to worry about the future and health of our youth. With so many health issues to be concerned about these days, we should be doing everything we can to make positive changes that will directly influence the next generation, especially things that can have a quick impact, like moving tobacco products behind the counter.

I encourage you to vote yes on SB118 to protect our children and future generations.

Jess Owens
5663 S. Rosewood Ave.
Cudahy, WI 53110



Please Support Senate Bill 118 Keep Tobacco Products from Wisconsin Youth

TO: Members, Senate Committee on Local Government, Small Business, Tourism, and Workforce Development

FROM: American Cancer Society Cancer Action Network
 American Family Children's Hospital
 American Heart Association
 American Lung Association
 Campaign for Tobacco-Free Kids
 Children's Hospital of Wisconsin
 Gundersen Health System
 Sixteenth Street Community Health Centers

UW Health
 Wisconsin Allergy Society
 Wisconsin Association of Local Health Departments and Boards
 Wisconsin Asthma Coalition
 Wisconsin Chapter of the American Academy of Pediatrics
 Wisconsin Medical Society
 Wisconsin Primary Health Care Association
 Wisconsin Public Health Association

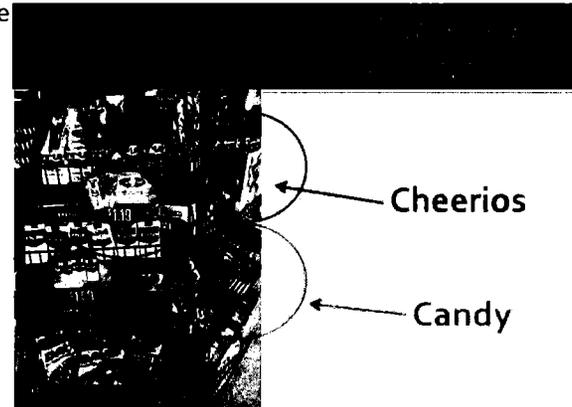
DATE: April 4, 2019

Over the years, Wisconsin has made great strides reducing the number of tobacco users among youth and adult populations. High school smoking rates have dropped 61% since 2004 and adult smoking rates have dropped to an all-time low of 17%.ⁱ ⁱⁱ The decrease in the adult smoking rate alone has saved Wisconsin an estimated \$1.4 billion in health care expenditures.ⁱⁱⁱ

In order to continue these positive trends, Senate Bill 118 requires a retailer to place cigarettes, nicotine products, and tobacco products in locations that are inaccessible to customers without the assistance of a retailer or clerk, including behind the counter or in a locked case.

Restricting the placement of tobacco products may further reduce tobacco use and protect youth from a lifelong, deadly addiction. Tobacco product displays can stimulate impulse purchases among tobacco users and those trying to quit. Placing these products behind the counter may also reduce shoplifting incidents.

Traditional cigarettes are already required to be behind the counter. Thirty other states have laws that restrict the placement of all tobacco products including Illinois, Iowa, and Minnesota.^{iv}



This bill doesn't apply to a retail location that receives 75% or more of its revenue from sales of cigarettes, nicotine products, or tobacco products as long as no person younger than 18 is permitted in the store - unless accompanied by a parent/guardian or spouse who is 18.

ⁱ Wisconsin Department of Health Services. Wisconsin Youth Tobacco Survey 2016.
ⁱⁱ Wisconsin Department of Health Services. Wisconsin Behavioral Risk Factor Surveillance System. 2015.
ⁱⁱⁱ University of Wisconsin, Department of Population Health Sciences. "We Can Accomplish So Much More" 2016. Available at http://tobwis.org/files/download_file/c674d24b1a13374
^{iv} American Lung Association. State Legislated Actions on Tobacco Issues.

Dear Senator Jacque and members of the committee on Local Government, Small Business, Tourism, and Workforce Development

Thank you for holding a public hearing on SB118, which would require all tobacco products to be placed behind the counter or in a locked cabinet. I regret that I can't be there in person to testify so please consider this my written testimony.

I am a radiation oncologist for the Medical College of Wisconsin and routinely treat lung cancer patients. The vast majority of those patients were or are smokers and began to smoke in their teens. By the time they realize their mistake and want to quit, the addiction has taken hold to a degree that many – if not most – are not successful and become lifetime smokers, leading to debilitating illnesses and early deaths.

Nicotine is one of the most highly addictive drugs today – many medical experts agree that it is more addictive than cocaine. Other studies clearly demonstrate that if we can stop kids from starting to smoke before reaching adulthood, the chances that they will ever begin drop drastically.

SB118 provides an important tool for making that happen. If ALL tobacco products – not just cigarettes and smokeless tobacco as presently required by federal law – are out of physical reach of kids, meaning behind the counter or in a locked cabinet, that serves as a strong deterrent to smoking. They must first ASK the clerk for the product greatly increasing the chances that they'll be asked for ID.

Kids should not be smoking ANYTHING. These products are no less harmful than cigarettes and have no place in the candy and snack aisles. Please vote yes for SB118 and put one more roadblock in the way of kids who might make a poor decision that could have lifetime consequences.

Elizabeth Gore, MD

To: The honorable Senators Jacque and Tiffany and members of the Senate committee on Local Government, Small Business, Tourism and Workforce Development

From: Todd Mahr, MD

Re: SB118

I am a Pediatric Allergist at Gundersen Health System in La Crosse. I work exclusively with kids with allergies and/or asthma, helping them breathe better.

Their illnesses alone put them at a disadvantage compared to "healthy" kids; those illnesses are greatly compounded when things like tobacco use are added to the mix.

SB118 does not do the entire job of keeping kids from smoking, but it's a valuable tool in the toolbox. If they can't steal them, or sneak them past a harried store clerk, they are less likely to smoke, less likely to become addicted to nicotine, and less likely to end up in the Emergency Department or my office for a medical emergency.

Other tobacco products are no less dangerous than cigarettes so why should they get special treatment?

It's only common sense that we do everything in our power to keep kids from using tobacco. This is one very simple step that can have a large impact.

Please vote yes on SB118.

Thank you.

A handwritten signature in black ink, appearing to read "T.M. Mahr, MD". The signature is written in a cursive, somewhat stylized font.

Todd Mahr, MD

Dear Chairman Jacque and members of the Committee on Local Government, Small Business, Tourism and Workforce Development,

As an advocate for the American Cancer Society Cancer Action Network, a nurse, a caregiver, and a mother, I am writing you to ask that you please put ALL tobacco products behind the counter and vote yes on SB118.

My family has a long-standing history of cancer. I have an uncle who died at an early age from leukemia, an aunt who has battled leukemia on and off her entire life, another aunt who had cervical cancer and survived, my father who currently is stable with skin cancer, and unfortunately my list goes on. I started volunteering with the American Cancer Society after we lost my niece in 2003 to Non-Hodgkin's lymphoma just shortly before her 21st birthday. More recently, I lost my mom to colorectal cancer just two years ago. I watched two very strong, full of potential, influential, positive women in my life eventually fade away from this terrible disease.

My mom was a smoker for 30 + years. She quite when she turned 50, but she always joked that if she made it to 80 she would start smoking again. I will always wonder if she had not smoked would she still be with us today? My husband has been smoking since he was 16 and has tried to quit so many times that I cannot count. I wonder when and what kind of cancer he will develop. He just lost a grandma this past spring to lung cancer. As a nurse, I counsel people daily on smoking cessation. It is amazing to me that even with all the resources out there to quit smoking, is a continuous struggle every day for people even though they know it is extremely terrible for their own health. Smoking is truly an addiction.

Cancer deaths related to smoking continues to be the leading cause of the number one preventable cancer. We reached a milestone this year with the tobacco companies having to launch a campaign to bring to light the harms of smoking. However, here in Wisconsin we allow the tobacco companies to target our youth by allowing certain tobacco products with desirable flavors such as grape, cherry, chocolate, to be easily accessible by not placing them behind the counter. What's worse is that these products are much cheaper making it easier for our youth to gain access to the same carcinogen, nicotine, that is in cigarettes and all tobacco products.

As a mother of two beautiful healthy boys, 15 and 18, both active athletes who will sometimes remind me to eat a little healthier. I worry every day about their access to these products. When I decided to become an advocate, I did it for my children because I never want them to hear the words "you have cancer". I urge you today to vote yes on SB118 to put ALL tobacco products behind the counter where they belong.

Thank you,

Holli Close
1019 S Fidelis St.
Appleton, WI 54915

Dear Chairman Jacque and members of the Committee on Local Government, Small Business, Tourism and Workforce Development,

As an advocate for the American Cancer Society Cancer Action Network (ACS CAN) and the mother of three young children, I am appalled that flavored tobacco products are currently placed near the candy aisles and are priced lower than a Subway sandwich in Wisconsin. My oldest son turned 15 this year, and peer pressure is a big concern as his mother.

I have worked in healthcare for my entire career, and I have seen the devastation smoking brings across a wide array of our population. I could go into statistics about the enormous amount of money spent on smoking related illness, and the impact that has on our struggling health care system. Instead, I will ask you to please vote yes on SB118 and place ALL tobacco products behind the counter where they belong, especially ones that target my children. I would much rather focus on things like homework and acne treatment, than worry about my youngsters becoming addicted to candy-flavored tobacco and the scary gateway that follows.

Debbi DeGarmo
52683 County Rd K
Chaseburg, WI 54621

Good Morning members of the Committee. My name is Nina A. & I serve as a HEC for PHMDC & TFCDC. I'm here to speak for informational purposes only.

In the 6 yrs I've been in PH, I have had the opportunity to work with & learn from many exceptional young people - A few who made the trip to speak to all of you today. One thing I learned quickly was that kids know how to & can get tobacco & nicotine products quite easily. And the data shows it! Last year's WYTS showed that 78% of WI HS students said it was ^{easy} ~~easy~~ to get tobacco products. That's unacceptable!

To see what is actually happening in our community we had volunteers assess the retail ~~environment~~ environment for the majority of gas stations, grocery stores, & vape & tobacco shops in Dane & Columbia Counties. The results of that assessment were quite eye-opening. Of the stores assessed, we found that 26% of stores in DC & 47% of stores in CC had tobacco & e-cigs that WERE NOT placed behind the counter, nor in a locked display case!

In fact, Voin teers found ecigs & little cigars/cigarillo: in particular, near candy ~~or~~ or on displays close to the door.

When tobacco or e-cigs, which already come in kid-friendly flavors & bright packaging, are placed near candy it sends the message to young people that these products aren't as harmful as regular cigarettes.

Additionally, having these products near the door can make it easy for young people to steal products from stores.

In 2009, the fed. govt. required that cigarettes & smokeless tobacco products like dip & chew must be placed behind the retail counter or in a locked display cases that legislation did NOT extend to other ~~or~~ tobacco products like little cigars/cigarillos, blunt wraps, & e-cigarettes.

Between 2016 & 2018, the WI YTS showed that high school cigarette ~~or~~ smoking & smokeless tobacco use rates declined. Unfortunately, high school use of e-cigs & little cigars increased in those years.

We must do better to ensure young people don't succumb to a life long addiction to tobacco & nicotine products
Thank you for your time this morning