

Oklahoma Tobacco Settlement Endowment Trust Board of Directors: Update on policy to protect all Oklahomans from the dangers of tobacco.

August 27, 2020

WHEREAS, the Oklahoma Tobacco Settlement Endowment Trust (TSET) was created by voters in 2000 and has a constitutional mandate to support strategies and programs designed to maintain or improve the health of Oklahomans; and

WHEREAS, TSET also has a constitutional mandate to support cost-effective tobacco prevention and cessation programs; and

WHEREAS, in 2006, a U.S. federal court found Altria, Philip Morris USA, R.J. Reynolds, and other tobacco companies in violation of the Racketeer Influenced and Corrupt Organizations Act (RICO), citing 145 distinct acts of racketeering in a 1,682 page ruling (United States v. Philip Morris) and finding the companies' fraudulent conduct has permeated all aspects of their operations, that they would likely continue committing fraud indefinitely into the future, and that their conspiracy sought not only to misinform the public, but also lawmakers;

WHEREAS, Oklahoma's laws still do not include full protections from tobacco use and secondhand smoke for adults and children, and current Oklahoma law includes provisions supported by the tobacco industry that continue to entice youth to begin using tobacco, keep tobacco users addicted, expose workers to toxic secondhand smoke, prevent cities from protecting citizens from secondhand smoke exposure in their communities, and create an uneven playing field for some businesses; and

WHEREAS, smoking remains the leading cause of preventable disease, disability and death in the U.S and in Oklahoma despite progress in reducing the smoking rate to below 20%¹. Every year, 7,500 Oklahomans die from smoking related illnesses² and tobacco costs the state over \$1.6 billion in healthcare costs annually; and

WHEREAS, smokers and those unprotected from secondhand smoke are at risk of serious health problems from cigarette smoke including cancer, stroke, heart disease and lung disease³ and;

WHEREAS, an additional \$1 tax per cigarette pack, implemented in 2018 to encourage people to quit smoking and to help fund education, resulted in a reduction in purchases and an 85% increase in calls to the Oklahoma Tobacco Helpline in the first months after the tax increase; and

WHEREAS, although cigarette use has declined in Oklahoma and nationwide, use of new tobacco delivery devices such as e-cigarettes, flavored nicotine and vapor products is on the rise, and these products are not included in the state's statutes as tobacco products and are not taxed at a comparable rate; and

¹ <https://www.americashealthrankings.org/explore/annual/measure/Smoking/state/OK>

² <https://www.cdc.gov/tobacco/about/osh/state-fact-sheets/oklahoma/index.html>

³ <https://www.cdc.gov/healthreport/publications/compendium.pdf>

WHEREAS, 9% of Oklahoma youths have reported smoking cigarettes and 31% of them have reported using e-cigarettes and other tobacco products⁴; and

WHEREAS, death and illnesses from additives and faulty batteries in e-cigarettes have also increased⁵; and

WHEREAS, the TSET Board of Directors supported raising Oklahoma's tobacco purchasing age from 18 to 21, and that measure was signed by Governor Stitt on May 20, 2020, after legislation passed in December 2019 that amended the Federal Food, Drug, and Cosmetic Act, and raised the federal minimum age of sale of tobacco products from 18 to 21 years:

BE IT THEREFORE RESOLVED, the TSET Board of Directors supports efforts to:

- Enact comprehensive clean indoor air laws.
- Prohibit smoking in cars with minors.
- Ban menthol and other flavored tobacco, vaping or smokeless tobacco products.
- Enact meaningful price increases on tobacco products, including vaping products, within the next decade.
- Push for nicotine cartridges to meet child-resistant packing standards.
- Strengthen laws that prevent young people from having access to cigarettes and other tobacco products and support adequate enforcement of those provisions.
- Focus enforcement on retailers who sell tobacco and nicotine products to youth, instead of on youth that use, purchase or possess these products.
- Modernize employment laws to allow employers to support tobacco-free environments.
- Encourage E-cigarettes and alternative nicotine or vapor products to be taxed and retailers to obtain a tobacco retailer license.
- Repeal preemption measures that prevent local governments from enacting policies to protect the health and wellbeing of their citizens.
- Reduce retailer density by limiting the number of licenses in an area, requiring distance between vaping retailers, limiting retailers by population size and ensuring they are not located near schools⁶.
- Eliminate cigarette and smokeless tobacco product advertising, marketing and sponsorships when possible, to assist in reducing its use.

FURTHERMORE, BE IT THEREFORE RESOLVED, the TSET Board of Directors respectively recommends the adoption of the aforementioned policies which, when enacted, in combination with enhanced investments in tobacco use prevention and cessation efforts, are expected to cut Oklahoma's adult smoking in half by 2028, and to prevent young people from starting to use tobacco.

⁴ https://www.ok.gov/health2/documents/YRBS2019_Burden_of_Youth_Smoking.pdf

⁵ https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html

⁶ https://store.samhsa.gov/sites/default/files/SAMHSA_Digital_Download/PEP20-06-01-003_508.pdf

THE TSET BOARD OF DIRECTORS hereby calls upon other interested groups and governing bodies to adopt similar resolutions.