



American
Heart
Association.

February 9, 2023

Representative W Carpenter, Chair
House Federal and State Affairs Committee
Neutral, HB 2269

I am writing on behalf of the American Heart Association (The Association) regarding HB 2269. The Association has a neutral position. This is due to what we see as a missed opportunity to better protect youth from the harm and disparate impact of corporate tobacco sales and marketing.

Youth penalty for tobacco purchase, use and possession (PUP)

The corporate tobacco industry targets Kansas kids. There is no question that the tobacco industry has deliberately targeted Kansas youth. Former Kansas Attorney General Derek Schmidt finalized a \$9.9 million settlement agreement with e cigarette manufacturer and distributor JUUL Labsⁱ. This was the culmination of a lawsuit that showed JUUL willfully directed its advertising to hook kids on their deadly products.

The penalty is having a chilling effect on school responses to the tobacco and e cigarette epidemic. The “E-cigarette policies in Kansas Schools Report” commissioned by Blue Cross Blue Shield of Kansas notes the biggest hindrance to comprehensive equitable tobacco free schools policy is the penalty designation in Kansas statute for possession of tobacco and electronic cigarettes for youth under age 18. As such, many middle and high schools in Kansas involve law enforcement for tobacco and e-cigarette possession. **At the Kansas high school level, almost half of schools surveyed call for law enforcement involvement for a first-time e-cigarette policy infraction.** At the Kansas middle school level, about 20% of policies call for law enforcement involvement for a first-time e-cigarette policy infractions.ⁱⁱ

Definitions Matter

The corporate tobacco industry is constantly developing new and emerging products to work around laws and hook kids. The industry even has products that marketed as containing synthetic nicotine that is not derived from tobacco (also called alternative nicotine products or pharmaceutical grade nicotine). While these newer products may not contain tobacco or be derived from tobacco, they are still marketed like tobacco products, contain nicotine, a dangerous and highly addictive chemical, and may expose users to other hazardous chemicals and toxins. These products contain similar packaging designs, flavorings, and product names as other tobacco products, and are frequently sold in the same retailer locations. Examples include nicotine pouches, toothpicks, lozenges, gums, and some electronic cigarettes, none of which are FDA-approved for tobacco cessation purposes.

While the Association supports the raise in minimum legal sale age to 21 to technically align with existing federal law, we recommend the removal of PUP and an update of definitions to capture all new and emerging products.

Sincerely,



Kari Rinker, MPA
State Government Relations Director
American Heart Association

ⁱ <https://www.kctv5.com/2022/12/07/kansas-finalizes-nearly-10-million-multistate-settlement-with-juul-labs/>

ⁱⁱ E-cigarette Policies in Kansas Schools Report By Claire Colby, Natasha Frost and Michael Freiberg, Public Health Law Center September 1, 2021