



**TOBACCO FREE KANSAS
COALITION**

February 22, 2021

Rep. John Barker, Chairman
Kansas House Federal and State Affairs Committee
Re: Neutral Testimony on HB 2340

Thank you for this opportunity to provide testimony to this committee. On behalf of the Tobacco Free Kansas Coalition Board of Directors and nearly 300 members across the state, TFKC is providing neutral testimony on HB 2340 due to the offsetting components included in the bill.

TFKC acknowledges the importance of raising the legal age of tobacco sale to 21 in Kansas. This is an important step in aligning with the federal statute and will ensure ongoing federal funding for the State's tobacco control and prevention program.

TFKC also acknowledges the impact of the addition of e-cigarettes to the definitions of "smoke" and "smoking". The CDC states that e-cigarette aerosol that users breathe from the device and then exhale can contain harmful and potentially harmful substances including: Nicotine, ultrafine particles, flavoring such as Diacetyl - a chemical linked to a serious lung disease, cancer-causing chemicals, volatile organic compounds, and heavy metals such as nickel, tin, and lead. This will strengthen the Kansas Clean Indoor Air Act.

Items of concern which offset the real value of raising the age and adding e-cigarettes to the definition of smoking compel TFKC to take a neutral stand on HB 2340.

TFKC notes that HB 2340 retains current penalties on youth for purchase, use and possession (PUP) of "regulated products." TFKC opposes youth penalties. Evidence indicates that penalizing youth is not an effective tobacco control strategy. Penalties for youth may divert attention from more effective tobacco control strategies and it relieves the tobacco industry of responsibility for its marketing practices and retailer's irresponsible sale to minors. Further, these laws have been found to disproportionately impact minorities, specifically African Americans and Hispanic youth¹.

TFKC also notes the increase in annual compliance checks from one to two however, without increasing the cost of a Tobacco Retail License (\$25 for two years, established in 1972), TFKC anticipates a greater challenge for enforcement agencies in accomplishing twice annual checks and advocates for an increase in the Tobacco Retail License fee - money which is dedicated to enforcement.

Thank you,

Sara Prem
President, Tobacco Free Kansas Coalition

Coalition Founding Members



References

¹Wakefield, M, and Giovino, G, "Teen penalties for tobacco possession, use, and purchase: evidence and issues," Tobacco Control, 12(Suppl 1):i6-i13, 2003; Jason, LA, et al., "Youth Tobacco Sales-to-Minors and Possession-Use-Purchase Laws: A Public Health Controversy," J Drug Education, 35(4):275-290, 2005. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1766089/>