

# NATO News

*Critical News for Members on Tobacco Legislation, Litigation and Regulations*

*March 24, 2016*

## **FDA Study Confirms Youth Reliance on Social Sources**

The initial findings of the long-term Population Assessment of Tobacco and Health (PATH) study sponsored by the U.S. Food and Drug Administration and the National Institute of Health confirm that a significant majority of underage youth relies on social sources for cigarettes and other tobacco products. Generally, social sources include older siblings, friends, parents and even strangers.

According to the PATH study, 86% of 15 to 17 year olds obtained cigarettes by asking someone else for cigarettes or being offered cigarettes from someone (43%), giving someone else money to buy cigarettes (32%), buying cigarettes from another person or taking cigarettes from someone or from a retail store (7%), or obtaining cigarettes from some other non-retail source (5%). Only 14% of these underage youth reported buying cigarettes themselves. [Note that the PATH study percentages add up to 101%].

For e-cigarettes, the 15 to 17 year olds reported that 89% of the time they relied on social sources including asking someone else for e-cigarettes or being offered e-cigarettes from someone (57%), giving someone else money to buy e-cigarettes (17%), obtaining e-cigarettes from some other non-retail source (10%), or buying e-cigarettes from another person or taking e-cigarettes from someone or from a retail store (6%). Only 11% of these underage youth reported buying e-cigarettes themselves. [Note that the PATH study percentages add up to 101%].

The PATH study began in 2013 and will continue through 2022 and its purpose is to gain a better understanding of tobacco use behaviors. The study is following 46,000 U.S. residents ages 12 and older that use and do not use tobacco products. The FDA may rely on the final findings of the PATH study to propose additional tobacco regulations in the future.

It is important to note that the PATH study findings are virtually the same findings as a study published in August of 2014 in the Journal of School Health titled “Usual Source of Cigarettes and Alcohol Among U.S. High School Students.” This earlier study found that 85.9% of underage youth obtained cigarettes from social sources rather than buying cigarettes in a retail store.

Over the past several years, NATO has informed local and state lawmakers about social sources and the impact of social sources on youth tobacco use. These efforts also focused on urging

lawmakers not to adopt new restrictive regulations on retailers because doing so will not reduce youth access to tobacco. With the vast majority of minors relying on social sources for access to tobacco, NATO has requested lawmakers and health policy advocates to work with retailers to take action to respond to and help solve the issue of social sources to reduce youth access to tobacco products.

This newly released PATH study data should be a catalyst for the FDA, lawmakers and anti-tobacco advocates to work toward preventing minors from obtaining tobacco products from complicit adults. A new emphasis is needed because neither the PATH study nor the Journal of School Health study address any recommended measures to reduce the supply of tobacco products from the social sources that minors rely on to obtain tobacco products. There needs to be a proactive effort to educate adults not to be a social source of tobacco products to further prevent youth access to tobacco.

## **Legislative Action on State Tobacco Bills**

The following is a summary of recent action that has taken place on tobacco-related bills pending in state legislatures:

**Alaska:** Senate Bill 1, which prohibits smoking (includes e-cigarettes) in public places, received a “Do Pass with Substitute” recommendation from the Senate Finance Committee on March 23, 2016 and moved to the Senate Rules Committee.

**Connecticut:** Senate Bill 451, which establishes a civil penalty of \$1,000 per day for any distributor or importer that fails to immediately produce tobacco products tax records upon request, was heard in the Joint Committee on Finance, Revenue and Bonding on March 18, 2016.

**Hawaii:** Senate Bill 2083, which prohibits smoking in vehicles with minors present, passed the Senate on March 8, 2016 and passed the House Committee on Judiciary on March 22, 2016. Senate Bill 2690, which increases the cigarette tax by an unspecified amount, passed the House Health Committee on March 23, 2016.

**Kansas:** Senate Bill 63, which was recently amended and now includes a section that changes the effective date of the new tax of \$.20 per millimeter of nicotine in electronic cigarettes (which was passed in the 2015 legislative session) from July 1, 2016 to January 1, 2017, passed the House and moved to the Senate for concurrence on March 22, 2016.

**New Hampshire:** House Bill 1208, which changes several definitions to the tobacco tax laws, including the definition of a premium cigar by removing the criteria that cigars wholesale for \$2.00 or more, is set for a hearing in the Senate Ways & Means Committee on March 29, 2016.

## **Newly Introduced State Tobacco Bills**

The following bills were recently introduced in state legislatures:

**Vermont:** House Bill 872 requires any retailer of tobacco substitutes (e-cigarettes, nicotine delivery devices, etc.) to obtain a tobacco substitute endorsement from the Department of Liquor Control, pay a fee of \$50, and raises the annual fee for tobacco licensing or renewal from \$100 to \$110. The bill also requires a manufacturer's registration fee for any person manufacturing tobacco substitutes for sale in the state of \$1,000 per brand annually.