



# Tackling Tobacco Use at the State and Federal Levels



The American Cancer Society Cancer Action Network (ACS CAN) and the American Cancer Society (the Society) have long been leaders in the fight against tobacco. The use of tobacco products remains the nation's number one cause of preventable death, killing more than 480,000 Americans each year. Tobacco-related illnesses are expensive and harmful for all of us. Tobacco use is estimated to cost more than \$289 billion in direct health care costs and lost productivity annually in the United States. With more than 7,000 chemicals – including arsenic and polonium-210 – secondhand smoke causes cancer, heart disease, and lung disease, and kills an estimated 42,000 nonsmoking Americans each year, including 3,000 deaths from lung cancer. According to the 50th Anniversary Surgeon General's Report on Smoking and Health, if current tobacco use trends continue, 5.6 million youth ages 0-17 are expected to die prematurely from a tobacco-related disease.

## *Excise Tax Success*

One of the most effective ways to deter tobacco use is to raise the price of tobacco products. ACS CAN strongly advocates for increases in federal, state, and local taxes on cigarettes and other tobacco products. ACS CAN also advocates for parity among taxes on cigarettes and on other tobacco products. Since 2002, 47 states, the District of Columbia and several U.S. territories have raised their cigarette tax. For example:

- 30 states and the District of Columbia now have excise taxes of \$1 or more per pack.
  - 15 states – Alaska, Arizona, Connecticut, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Rhode Island, Washington, Wisconsin, and Vermont -- and the District of Columbia have taxes of \$2 or more per pack.
  - In 2013, two states significantly increased their tobacco taxes. Minnesota increased its cigarette tax by \$1.60 to \$2.83, and Massachusetts increased its tax by \$1 to \$3.51, the second highest in the country. Both states also increased their taxes on other tobacco products, and Massachusetts now has the highest tax for non-cigarette tobacco products in the country.
  - The average state tax nationwide is \$1.53 per pack. That is up 92 cents per pack since the end of 2002.
- In addition to state and local taxes, ACS CAN advocates for an increase in the federal tobacco excise tax.

The current federal cigarette tax is \$1.01 per pack. ACS CAN strongly supports the President's budget proposal for FY15 includes a 94-cent increase in the cigarette tax and an equivalent increase in the tax on other tobacco products.

## *Tobacco Control Program Funding*

ACS CAN advocates for state tobacco control program funding consistent with best practices and funding recommendations from the Centers for Disease Control and Prevention (CDC). Comprehensive, well-funded tobacco control programs help prevent youth from starting to use tobacco products and support and promote cessation among current tobacco users. ACS CAN recommends that states dedicate a portion of tobacco tax and other tobacco-related revenue for tobacco control. However, most states are not even close to meeting CDC funding recommendations.

- In Fiscal Year 2014, states are expected to collect \$25 billion in tobacco revenue. However, states budgeted less than 2 percent of this amount – \$481.2 million – for tobacco control programs this year.
- Only two states – Alaska and North Dakota – are meeting CDC recommendations for tobacco control funding.
- Seven additional states are funding their tobacco control programs at more than 50 percent of the recommended level.

## Smoke-Free Success

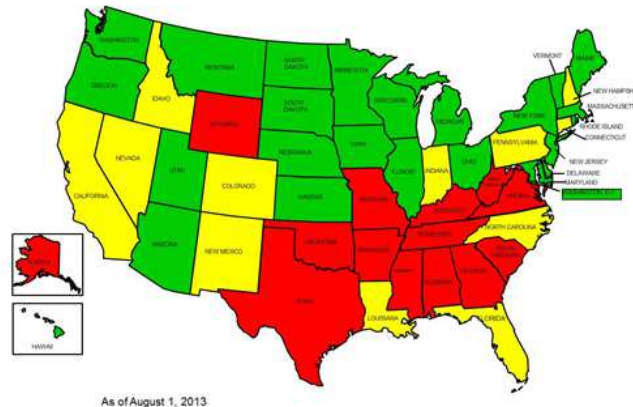
ACS CAN is dedicated to the advancement of smoke-free communities. So far:

- 24 states, the District of Columbia, and Puerto Rico have smoke-free laws in effect that require 100 percent smoke-free workplaces, restaurants, and bars.
- More than 625 communities have a 100 percent smoke-free workplace, restaurant and bar laws in effect.
- 49 percent of the United States population is covered by a 100 percent smoke-free workplace, restaurant and bar law.
- Unfortunately, there are still 12 states in the “yellow” category, with 100 percent smoke-free laws in one or two of workplaces, restaurants, and bars, and 14 states in the “red” category, with *no* 100 percent smoke-free laws in place for workplaces, restaurants, or bars.

### *The Nationwide Picture*

*This map reflects the status of smoke-free laws across the country. Green states have 100 percent smoke-free restaurants, bars and workplaces. Yellow states are 100 percent smoke-free in one or two of the above. Red states have no 100 percent smoke-free laws that apply to restaurants, bars or workplaces.*

### Smoke-Free Laws at the State Level



## Food and Drug Administration Regulation of Tobacco Products

ACS CAN helped lead the fight to pass legislation that would grant the U.S. Food and Drug Administration (FDA) meaningful and effective authority over the manufacture, sale, and marketing of tobacco products. Despite its proven ties to lung cancer and other diseases, tobacco had remained one of the least regulated products on the market, exempt from important consumer protections such as ingredient disclosure and restricted marketing to children. The relentless efforts of ACS CAN’s volunteer advocates paid off with the signing of the Family Smoking Prevention and Tobacco Control Act in 2009. Since the law was enacted, the FDA has banned candy- and fruit-flavored cigarettes, prohibited false descriptions on packs and in ads, and stopped vending machine sales and free samples of cigarettes. FDA has proposed to “deem” certain types of tobacco products such as cigars, hookah tobacco, pipe tobacco, e-cigarettes, dissolveables, and gels, under its regulatory authority. ACS CAN is urging the FDA to move quickly to issue specific regulations that will help to prevent the tobacco industry from continuing to addict kids to these products.

Specific provisions of Family Smoking Prevention and Tobacco Control Act include:

- Greatly restricting youth access to tobacco products and tobacco industry marketing aimed at children;
- Granting states and localities the authority to further restrict tobacco sales
- Banning flavors, herbs and spices in cigarettes used to appeal to young smokers, except for menthol;
- Requiring disclosure of the contents of tobacco products and tobacco industry product research;
- Creating a new “Public Health Standard” for tobacco product regulation;
- Requiring changes in tobacco products such as the reduction of nicotine levels;
- Prohibiting unsubstantiated health claims such as “reduced harm” tobacco products;
- Requiring larger and more informative health warnings on tobacco products; and
- Providing adequate funding to the FDA to regulate tobacco products through user fees on tobacco manufacturers.

**MR. PRESIDENT AND CONGRESS,  
THANK YOU FOR CHOOSING WISELY.**

By approving historic legislation to allow FDA regulation of tobacco products, President Obama and Congress have put our children's health above Big Tobacco. This law will save lives and help prevent tobacco-related diseases from ever starting. And that's a huge victory for all Americans. Thank you.

ACS CAN will continue to closely monitor the implementation of this law and court challenges to it, ensuring that tobacco products are sufficiently regulated to save lives and prevent thousands from ever starting this deadly habit.