



Ohio Senate Ways and Means Committee
December 13, 2022
Opponent Testimony – Tobacco Preemption
Leo Almeida, Ohio Government Relations Director
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Chairman Blessing, Vice Chair Roegner, Ranking Member Martin, and Members of the Senate Ways and Means Committee, I am Leo Almeida, Ohio Government Relations Director for the American Cancer Society Cancer Action Network (ACS CAN).

ACS CAN advocates for public policies that will help prevent cancer at all levels of government. Thus, ACS CAN opposes the amendment being considered to House Bill 513 that would restrict the authority of local communities to pass important laws at the local level that are stronger than state law. Local control over matters designed to protect the public's health has numerous benefits that are lost when local power is preempted.

Tobacco use remains the leading preventable cause of death nationwide. In Ohio, it is estimated that 20,200 adults die from smoking every year.ⁱ There are 259,000 Ohio children who are alive now that will die prematurely due to smoking-related disease.ⁱⁱ It is the single largest preventable cause of death. The annual health care costs in Ohio directly caused by smoking are \$6.56 billion, which includes \$1.85 billion in costs to Medicaid.ⁱⁱⁱ We know the general assembly looks for ways to reduce health care costs, and this preemption amendment would prevent local municipalities from fostering breakthroughs and customized solutions that could assist the state in saving money.

Local authority provides for greater accountability because local lawmakers interact with their constituents on a daily basis. Local policymakers can often quickly identify problems in their community and more easily craft proactive solutions to address the unique needs of their community to make healthier living easier for those who reside, work, and play in their community. What local leaders are seeing today is something that should concern everyone. They are seeing an increase in youth using flavored tobacco products that Big Tobacco are directly marketing to them.

Flavors are a marketing weapon used by tobacco manufacturers to target youth and young people to a lifetime of addiction. Altering tobacco product ingredients and design, like adding flavors, can improve the ease of use of a product by masking harsh effects, facilitating nicotine uptake, and increasing a product's overall appeal.^{iv} Candy, fruit, mint and menthol flavorings in tobacco products are a promotional tool to lure new, young users, and are aggressively marketed with creative campaigns by tobacco companies.^v Products with flavors like cherry, grape, cotton candy, and gummy bear are clearly not aimed at established, adult tobacco users and years of tobacco industry documents confirm the intended use of flavors to target youth.^{vi} Furthermore, youth report that flavors are a leading reason they use tobacco products and perceive flavored products as less harmful.^{vii,viii}

In 2021, 80.2% of high school students and 74.6% of middle school students who used tobacco products in the past 30 days reported using a flavored tobacco product during that time. In 2021, 85.8% of high school students and 79.2% of middle school students who used e-cigarettes in the past 30 days reported using a flavored e-cigarette during that time.^{ix}

It is important for the local, state, and federal levels of government to work together to implement policies to protect the public's health. It's through working together that we save lives. By removing

local policymakers and local policies from the process, preemption will affect our ability to implement protective policies and help children stay healthy so they can learn and grow for years to come. We urge you to stop this tobacco preemption amendment.

Thank you for your consideration of this important matter. I'm happy to answer any questions you might have.

ⁱ Campaign for Tobacco-Free Kids. The Toll of Tobacco in Ohio. October 19, 2022. <https://www.tobaccofreekids.org/problem/toll-us/ohio>

ⁱⁱ Campaign for Tobacco-Free Kids. The Toll of Tobacco in Ohio. October 19, 2022. <https://www.tobaccofreekids.org/problem/toll-us/ohio>

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^{iv} FDA Guidance for Industry and FDA Staff, "General Questions and Answers on the Ban of Cigarettes that Contain Certain Characterizing Flavors (Edition 2) ("FDA Guidance on Characterizing Flavors").

^v Delnevo, C, et al., "Preference for flavoured cigar brands among youth, young adults and adults in the USA," Tobacco Control, epub ahead of print, April 10, 2014. King, BA, et al., "Flavored-Little-Cigar and Flavored-Cigarette Use Among U.S. Middle and High School Students," Journal of Adolescent Health 54(1):40-6, January 2014

^{vi} Carpenter CM, Wayne GF, Pauly JL, Koh HK, Connolly GN. New cigarette brands with flavors that appeal to youth: tobacco marketing strategies. Health Affairs. 2005; 24(6): 1601-1610

^{vii} Ambrose et al. Flavored tobacco product use among U.S. youth aged 12-17 years, 2013-2014. JAMA, 2015; 314(17): 1871-3.

^{viii} Huang L-L, Baker HM, Meernik C, Ranney LM, Richardson A, Goldstein AO. Impact of non-menthol flavours in tobacco products on perceptions and use among youth, young adults and adults: a systematic review. Tobacco Control 2016.

^{ix} https://www.cdc.gov/mmwr/volumes/71/ss/ss7105a1.htm?s_cid=ss7105a1_w