

TESTIMONY FOR THE PUBLIC HEALTH COMMITTEE

“An Act Concerning the Retail Sales of Cigarettes and Tobacco Products”

Bill No. 5449

March 12, 2010

Chairman Harris, Chairman Ritter, Senator DeBicella and Representative Giegler, thank you for the opportunity to submit this written testimony. My name is Emily Garcia and I am a Manager of Underage Tobacco Prevention Programs for Altria Client Services Inc. (“ALCS”). The Altria family of companies includes Philip Morris USA Inc. (“PM USA”), the nation’s leading cigarette manufacturer, John Middleton Co. (“JMC”), a leading producer of machine-made large cigars and U.S. Smokeless Tobacco Company LLC (“USSTC”), the nation’s leading moist smokeless tobacco company.

Kids should not use tobacco products. As manufacturers of tobacco products, PM USA, JMC and USSTC, believe that they have an important role to play in helping reduce underage tobacco use. One way that the companies work to help reduce underage tobacco use is by identifying, supporting and developing programs to help prevent youth access to tobacco products, including supporting legislation that restricts youth access to tobacco products. My purpose, through this written testimony, is to share their approach to helping reduce underage tobacco use and to reaffirm their support for the proposed legislation about the “the Retail Sales of Cigarettes and Tobacco Products.”

PM USA, JMC, and USSTC’s approach to underage retail access prevention includes, among many things, trade programs which educate and provide incentives to help retailers responsibly

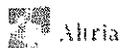


merchandise and sell tobacco products. PM USA is a sponsor, and both JMC and USSTC are supporting members, of the Coalition for Responsible Tobacco Retailing, which provides retailers with *We Card*® training program and tools. PM USA, JMC and USSTC also work to prevent social access by providing retailers with signs designed to remind adults not to buy tobacco for minors.

In June 2009, Congress enacted sweeping legislation that provides the Food and Drug Administration (FDA) with broad authority over tobacco products. This new federal legislation requires the FDA to issue a variety of regulations designed to further prevent youth access to tobacco products. These regulations, which are to be effective June 22, 2010, will among other things, prohibit "self-service" displays of cigarettes and smokeless tobacco products, except in age restricted facilities.

At the state level, Altria's tobacco companies continue to support enactment of state youth access prevention legislation to complement FDA authority. Among other things such state legislation would require all tobacco product purchases, including cigars, to be clerk-assisted or conducted in an otherwise non self-service environment. During the 2009 state legislative sessions, nine bills were passed with youth access prevention legislation that was either identical or similar to provisions in our model legislation¹ and we are very pleased with this progress. Opportunities still remain to strengthen Connecticut state laws as it relates to youth access prevention of tobacco products and this legislation would help to do that.

¹ The nine bills were in Alabama, Arkansas, Delaware, Illinois (2 bills), Louisiana, Maryland, South Dakota, Utah



We aren't the only ones that have recognized that the proposed legislation is important. Several national regulatory agencies have recognized that non-self-service is a critical component of reducing underage tobacco use. The 2007 Institute of Medicine (IOM) Report states that "a reasonably enforced youth access restriction is an essential element of modern tobacco control efforts, and there is, in fact, widespread agreement among tobacco control activists and public health experts regarding the provisions that should be incorporated in a model law." The 2007 report also reaffirms a 1994 IOM Report that recommends that states should prohibit the sale of tobacco products from self-service displays.²

In a 1999 report issued by the Federal Trade Commission specific to cigars, the Commission recommends that Congress consider measures to reduce youth access to cigar products, including restrictions on the use of self-service cigar displays.³

Lastly, research also suggests that laws restricting self-service tobacco displays discourage kids from trying to buy tobacco^{4,5}, and reduce tobacco theft^{2,6}, but are not difficult to comply with and do not affect overall tobacco sales.²

It should be noted that progress has been made over the past several years to limit underage access to tobacco at retail. Evidence of the effectiveness of these efforts can be seen in the

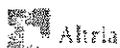
² Institute of Medicine (2007) "Ending the Tobacco Problem."

³ Federal Trade Commission Report to Congress (1999) "Cigar Sales and Advertising and Promotional Expenditures for Calendar Years 1996 and 1997."

⁴ Hyland, A., & Cummings, K.M. (2001). Laws restricting self-service tobacco displays: Will they help? *Prev. Med.*, 33, 1, 59-60.

⁵ Teall, A.M., & Graham, M.C. (2001). Youth access to tobacco in two communities. *Preventative Medicine and Journal of Nursing Scholarship.*, 33, 2, 175-178.

⁶ Lee, R.E., Feighery, E.C., Schleicher, N.C., & Halvorson, S. (2001). The relation between community bans of self-service tobacco displays and store environment and between tobacco accessibility and merchant incentives. *Am.J.PublicHealth*, 91, 12, 2019-2021.



continued decline in illegal sales to minors as reflected in annual Synar retailer violation rates, which have declined from 40.1% in 1997 to only 9.9% in 2008 nationally. In Connecticut, the 2008 state Synar retailer violation rate was 14.0% which was higher than the national average of 9.9%.⁷ This data further supports the need for continued vigilance in reducing youth access to tobacco at retail, and presents a case for non-self-service merchandising to reduce underage access to tobacco products.

We believe the legislation as set forth in "An Act Concerning the Retail Sales of Cigarettes and Tobacco Products" is an important step in preventing minors from gaining access to and using tobacco products. PM USA, JMC and USSTC are committed to working with legislators and other policymakers who share our goal of preventing youth access to tobacco products.

In closing, I would like to reaffirm that Altria's tobacco operating companies agree that kids should not use and should not have access to any tobacco products. We believe strengthening Connecticut's youth access prevention laws as detailed in the proposed legislation would help advance our mutual goal of keeping tobacco products out of kids' hands.

⁷ National weighted average retailer violation rates as reported in the FFY 2008 Annual Synar Report.

