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"If, in the United States,
five 727s with 200 people each crashed
every day,
of every week,
of every month,
of every year...
sooner or later, someone would say:
'We've got to do something about this.'"

— Dr. John Allen, President
American Lung Association

Doonesbury

BY GARRY TRUDEAU



"One thousand smokers quit every day...
...and their funerals are held
two or three days later."

— C. Everett Koop
former U.S. Surgeon General

For an Act entitled: "An Act relating to the sale, exchange, or giving of tobacco and tobacco products."

Summary

This bill amends AS 11.76.100, Selling or giving tobacco to a minor and AS 43.50. Article 1, Cigarette Tax Act, Sections 10 and 20, License and Separate Licenses. The bill repeals Subsection (b) and (c) of AS 11.76.100 and subsection (c) of AS 43.50.030. These subsections refer to the offense committed through the sale of tobacco products to a minor by vending machines and the licensing of vending machine operators to sell tobacco products. Section 107 is added to AS 11.76 prohibiting the sale of tobacco products by vending machines and provides for a fine of not less than \$300.00 for those found in violation. Subsection (d) in AS 11.76.100 is amended to fine persons not less than \$300.00 who are convicted in violation of selling or giving tobacco to a minor. Section 43.50.070(1) is amended to provide for suspension or revocation of license for those found criminally negligent in violation of selling tobacco products to minors or the sale of tobacco products through vending machines.

Subsection (f) is added to AS 43.50.010 and requires persons holding a license to sell tobacco products to post an 11 by 14 inch warning sign that reads "WARNING: Tobacco products are highly addictive. The sale of tobacco products to persons under age 19 is illegal." This sign must also depict a pack of cigarettes defaced by a red diagonal diameter within a surrounding red circle.

Discussion

Only a very small percentage of smokers begin smoking as adults. Efforts at prevention must focus on children. Vending machines are the main source of cigarettes for the youngest children.

Nicotine addiction becomes quickly established in children as evidenced by studies that document the difficulty children have in quitting. Given the prevalence of smoking in the Alaska (33.8%) and the Nation (26.5%), tobacco use is the most widespread form of drug dependency. The sale of tobacco should be considered as seriously as the sale of alcohol and other

addictive drugs.

In addition, tobacco-use represents the most extensively documented cause of disease ever investigated in the history of biomedical research. There are forty-three identified carcinogens present in tobacco smoke and high concentrations of carcinogenic tobacco-specific nitrosamines found in smokeless tobacco.

Maternal smoking is associated with several complications of pregnancy in addition to a 25 to 50 percent high rate of fetal and infant death among women who smoke during pregnancy.

The economic impact of smoking in Alaska, the smoking attributable direct and indirect costs, was 82.3 million in 1985. This includes 2.4 million in pediatric deaths associated with smoking.

Alaska is among the states at highest risk for tobacco use and its devastating health consequences. Alaska has the highest age-adjusted lung cancer death rate in the Nation. Close to 90% of all lung cancer deaths are caused by cigarette smoking and 43.4% of Alaska males over 20 smoke, the highest smoking rate in the country.

Cancer was the second leading cause of death in Alaska in 1986 and 1987, accounting for 21% of all deaths, 30 percent of all cancer deaths and again, 90% of all lung cancer deaths are caused by smoking.

Recent studies by the Centers for Disease Control and the American Cancer Society rank Alaska second in the nation with deaths from oral and pharyngeal cancer and tied for third in our death rate from all cancers. Risk taking behaviors associated with oral and pharyngeal cancer are tobacco use and heavy alcohol consumption.

The elimination of vending machines will make tobacco products less available and reduce children's and adolescent's opportunity to experiment with tobacco products and lessen the likelihood that children will develop a regular pattern of use.

Studies have shown that children and adolescents who start to smoke do not understand the nature of tobacco addiction and are unaware of or underestimate important health consequences of smoking. Children and adolescents decision to smoke is therefore not a fully informed choice.

Studies by states and voluntary health organizations have shown that merchant compliance with tobacco access laws is

low. A recent study reported that 80 percent of the retailers in five states were violating the law and selling to minors. However, compliance with the law was six times greater in stores where signs were posted compared to stores without signs. The posting of the sign as required by this bill, will increase the difficulty a minor has in obtaining tobacco products through a higher merchant compliance with the law.

The initiatives contained in this bill are becoming more widespread. Legislation restricting the sale of tobacco products through vending machines exists in nine states with Colorado banning the sale of smokeless tobacco products through vending machines.

There are currently 22 cities and/or counties in the U.S. that have a total ban on vending machine sales of tobacco products. In addition, there are 14 states that require the posting of signs relating to prohibiting the sale of tobacco products to minors.

In addition, the 100th Congress introduced legislation, (H.R 3658), that included the limiting of sales of tobacco products to over-the-counter (prohibiting vending machine sales) and requiring every retail establishment selling tobacco products to post a sign stating "The sale of cigarettes to minors is strictly prohibited".

Given both the highly addictive nature of tobacco use and its adverse health consequences, it is important to protect children and adolescents from using tobacco until they are capable of making a mature and informed decision.

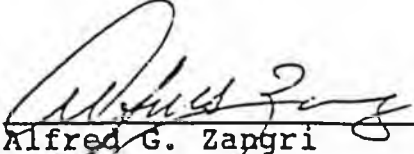
This bill would compliment the laws already in place that are known to reduce the availability of tobacco products to children 1) restricting the sale of tobacco products to minors; 2) banning the use or possession of tobacco by minors; 3) banning vending machines and 4) the posting of signs at the point-of-purchase. Banning the free distribution of tobacco product samples is the fifth policy shown to be effective in preventing initiation of tobacco addiction.

Although addiction is one of the health consequences of the use of tobacco products, the Department recommends strengthening the message on the sign; for example "WARNING: Tobacco products are highly addictive, hazardous to your health and may cause complications during pregnancy. The sale of tobacco products to persons under age 19 is illegal." Stronger language may be substituted such as "a cause of lung disease and cancer".

Recommendation


The Department strongly supports this bill which will help prevent the initiation of smoking among young children and adolescents.

Recommended: _____


Alfred G. Zangri
Acting Director
Division of Public Health

Date: _____

Approved: _____


Theodore Mala, M.D., M.P.H.
Commissioner
Department of Health
and Social Services

Date: 2/25/91

HB 84

STATE OF ALASKA
1992 LEGISLATIVE SESSION

FISCAL NOTE

HB 84
BILL NO. CSFB 84(2nd FIN)

Revision Date: _____ Department Affected: Commerce & Economic Development
 Title: An Act relating to the offense of selling or giving tobacco to a minor... BRU: Occupational Licensing
 Component: Administration
 Sponsor: Rep. Brown, Ellis, B. Davis
 Requestor: Rep. Brown COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.0	2.0	2.0	2.0	2.0	2.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.0	2.0	2.0	2.0	2.0	2.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER - GF/PR	2.0	2.0	2.0	2.0	2.0	2.0
TOTAL	2.0	2.0	2.0	2.0	2.0	2.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

The expenditure identified in this fiscal note results from Section 8 of the bill which requires making a consumer warning sign available to businesses that obtain the tobacco endorsement on their business license. An authorization from program receipts collected in the business licensing program is requested.

Prepared By: Jennifer Strickler Phone: 463-2144
 Division: Occupational Licensing Date: 02/25/92
 Approved by Commissioner: Glenn A. Olds

Date: 2/25/92



Commerce & Economic Development

HISTORY IN THE HOUSE

1991 1/30	Read first time and referred to: L&C, JUD, FIN
3/1	L&C RPT CS(L&C) <input checked="" type="checkbox"/> New Title 3 DP 1 DNP 1 NR 0 AM <input checked="" type="checkbox"/> FN 2 <input checked="" type="checkbox"/> OFN Previous FN
3/26	JUD RPT CS(JUD) <input checked="" type="checkbox"/> New Title 4 DP 1 DNP 2 NR 0 AM FN OFN 3 <input checked="" type="checkbox"/> Previous FN 28 FN
5/1	FIN RPT CS(FIN) <input checked="" type="checkbox"/> New Title 5 DP 3 DNP 3 NR 0 AM <input checked="" type="checkbox"/> FN <input checked="" type="checkbox"/> OFN <input checked="" type="checkbox"/> Previous FN
1992 1/19 1/29	Rtnd to Fin from RIS. FIN RPT 2d CS(FIN) <input checked="" type="checkbox"/> New Title 5 DP 0 DNP 5 NR 0 AM 1 FN 2 OFN Previous FN
2/26	Read second time CS(21 Fin) Adopted Amended
2/26	Advanced
2/26	Read third time
2/28	Return to second for specific amendment Amended
2/26	PASSED EFD Same ___ or Yeas 26 Yeas Nays 8 Nays Excused 6 Excused Absent 0 Absent Intent adopted
2/26 2/28 2/28	Reconsideration by Zawacki Reconsideration not taken up - ret to 2nd Amended PASSED ON RECON. EFD Same ___ or Yeas 29 Yeas Nays 6 Nays Excused 5 Excused Absent 0 Absent Intent adopted
2/28	Reported correctly engrossed Signed by Speaker, to the Senate <i>Kurtis Gray</i> Chief Clerk of the House

HISTORY IN THE SENATE

1992 3/2	Read first time and referred to: L&C, JUD, FIN
	RPT() CS DP NR DNP AM New Title Same Title Previous FN FN OFN To
	RPT() CS DP NR DNP AM New Title Same Title Previous FN FN OFN To
	RPT() CS DP NR DNP AM New Title Same Title Previous FN FN OFN To
	RPT() CS DP NR DNP AM New Title Same Title Previous FN FN OFN To
	RPT() CS DP NR DNP AM New Title Same Title Previous FN FN OFN To
	Rules Calendar() CS AM Other New Title Same Title Previous FN FN OFN
	Read second time CS Adopted () New Title Amended Advanced
	Read third time Letter of Intent adopted Return to second for specific amendment
	PASSED EFD Same ___ or Yeas Yeas Nays Nays Excused Excused Absent Absent
	Reconsideration Reconsideration not taken up
	PASSED EFD Same ___ or Yeas Yeas Nays Nays Excused Excused Absent Absent
	Reported correctly engrossed Signed by President, to the House Secretary of the Senate

SPONSOR STATEMENT

CS HB 84 (2nd Finance) am Children & Tobacco Addiction Prevention

CS HB 84 (2nd Finance) am

CS HB 84 (2nd Finance) am respects the rights of adults to make informed choices about their personal lives and to bear the consequences. At the same time, CS HB 84 (2nd Finance) am includes three basic elements that will help curb illegal sales of tobacco products to children.

- CS HB 84 (2nd Finance) am would continue to allow the sale of tobacco products through vending machines but *restrict* placement of machines to adult only locations (bars, liquor stores, private adult clubs, and employee lounges).
 - Adults rarely start smoking — children do. It is estimated that about 60 percent of current smokers started by age 14, and 90 percent by age 19.
 - Purchasing trials in Alaska as well as other states have found that children routinely succeed in purchasing cigarettes through vending machines.
 - Studies have shown that it is the *youngest* of new smokers who rely most heavily on tobacco vending machines because no one will stop them from purchasing tobacco from this source.
 - No other cancer-causing, addictive product or drug that is illegal for children to possess is sold through vending machines.
 - By restricting tobacco product vending machine sales to places where access by children is restricted, tobacco product sales to minors would require *direct merchant supervision* at the point of over-the-counter sales.
 - President Bush's Secretary of Health & Human Services Louis Sullivan as well as former U.S. Surgeon General C. Everett Koop have both called for a ban on tobacco vending.

- CS HB 84 (2nd Finance) am would require the placement of warning signs stating that it is illegal to sell tobacco sales to individuals under age 19.
 - Studies have found that placement of warning signs regarding tobacco sales to minors at the point of retail sale is a very effective way of reducing illegal sales to minors.
 - LAA legal counsel has reviewed the proposed warning sign and determined that this provision is not preempted by federal tobacco labeling and advertising requirements.
- CS HB 84 (2nd Finance) am streamlines the enforcement process for illegal tobacco product sales to minors.
 - CS HB 84 (2nd Finance) am sets the fine for illegal tobacco sales at \$300 and allows for citations to be issued for a violation
 - CS HB 84 (2nd Finance) am establishes a “negligence” standard for illegal sales to children.

CS HB 84 (2nd Finance) am has the support of ...

American Cancer Society
Alaska State Medical Association
Alaska Nurses Association
Aleutian/Pribilof Islands Association, Inc.
Substance Abuse Directors Association of Alaska
American Lung Association of Alaska
Alaska Federation of Natives
Alaska Native Health Board
Alaska Family Support Group
Anchorage Municipal Health & Human Services Commission
Cordova Medical Clinic
Kodiak Island Hospital & Care Center
Kodiak Area Native Association
Tanana Chiefs Conference
North Slope Borough Department of Health & Social Services
Norton Sound Health Corporation
Bristol Bay Area Health Corporation
Southcentral Foundation
Alaska Department of Health and Social Services
Yukon-Kuskokwin Health Corporation
North Star Vending

... as well as numerous other doctors, health care providers and individuals.

Children and Tobacco

According to a report by the U.S. Inspector General, each day more than 3,000 minors start smoking; more than one million new teenage smokers each year, approximately *one new teenage smoker every 30 seconds*.

Sixty percent of current smokers started by age 14, 90 percent by age 19. Studies have found that children routinely succeed in purchasing cigarettes through vending machines. By restricting vending machine sales of tobacco products, children will be subject to direct merchant supervision through over-the-counter sales.

According to a research survey sponsored by the vending machine industry, it is the youngest new smokers (the 13 year olds in the survey population) who rely most heavily on vending machines as a source of tobacco products. As noted in the survey: "Teens who bought from vending machines often or occasionally found this source to be attractive because no one will stop them from buying cigarettes this way."

- Tobacco causes more premature death than AIDS, use of heroine, cocaine and alcohol, fire, automobile accidents, homicides and suicides combined — more Americans die each year from smoking related illness than died in all of World War II.
- It is estimated that some 53,000 Americans die from passive (second-hand) smoke alone — more people than died as a result of dropping the atomic bomb on Nagasaki.
- Studies have found that young children find it relatively easy to purchase cigarettes through vending machines.
- More than 430,000 Americans die each year of illness and diseases caused by tobacco — nearly one person each minute, 1,179 people each day.
- Smoking by pregnant women has been linked to fetal and infant mortality. Low birih weight, often associated with mental retardation and other developmental and health problems, has been conclusively linked to the number of cigarettes smoked during pregnancy.
- Other smoking effects include premature delivery, retardation in fetal growth, and diminished availability of oxygen to the fetus. These problems may affect a child, often severely, throughout its lifetime.

- The federal Department of Health and Human Services estimates that smoking related illness cost the nation about \$52 billion per year (about \$221 per capita) in health treatment and other costs. In Alaska, it has been estimated that for one year (1985) direct and indirect mortality and morbidity costs were in excess of \$100 million.

While respecting the rights of *adults* to make informed choices about their personal lives and to bear the consequences, CS HB 84 (2nd Finance) am is needed to help prevent *children* from being manipulated by sophisticated advertising practices leading to tobacco product addiction, illness and death.

Support for...

House Bill 84
Children & Tobacco Addiction Prevention

American Cancer Society
Alaska State Medical Association
Alaska Nurses Association
Aleutian/Pribilof Islands Association, Inc.
Substance Abuse Directors Association of Alaska
American Lung Association of Alaska
Alaska Federation of Natives
Alaska Native Health Board
Alaska Family Support Group
Anchorage Municipal Health & Human Services Commission
Cordova Medical Clinic
Kodiak Island Hospital & Care Center
Kodiak Area Native Association
Tanana Chiefs Conference
North Slope Borough Department of Health & Social Services
Norton Sound Health Corporation
Bristol Bay Area Health Corporation
Southcentral Foundation
Alaska Department of Health and Social Services
Yukon-Kuskokwin Health Corporation
North Star Vending

... as well as numerous doctors, parents, teachers, health care providers and other individual Alaskans.

Smoking Kills More Americans Each Year Than Alcohol, Cocaine, Crack Heroin, Homicide, Suicide, Car Accidents, Fires, and AIDS combined.

Approximate Number of Deaths:

Smoking.....	390,000 ¹
Alcohol (including drunk driving).....	125,000 ²
Car Accidents (including drunk driving).....	47,000 ³
Fires.....	4,000 ³
AIDS.....	23,000 ⁴
Heroin and Morphine.....	2,400 ⁵
Suicide.....	31,000 ⁵
Homicide.....	21,000 ⁵
Cocaine and Crack.....	3,300 ⁵

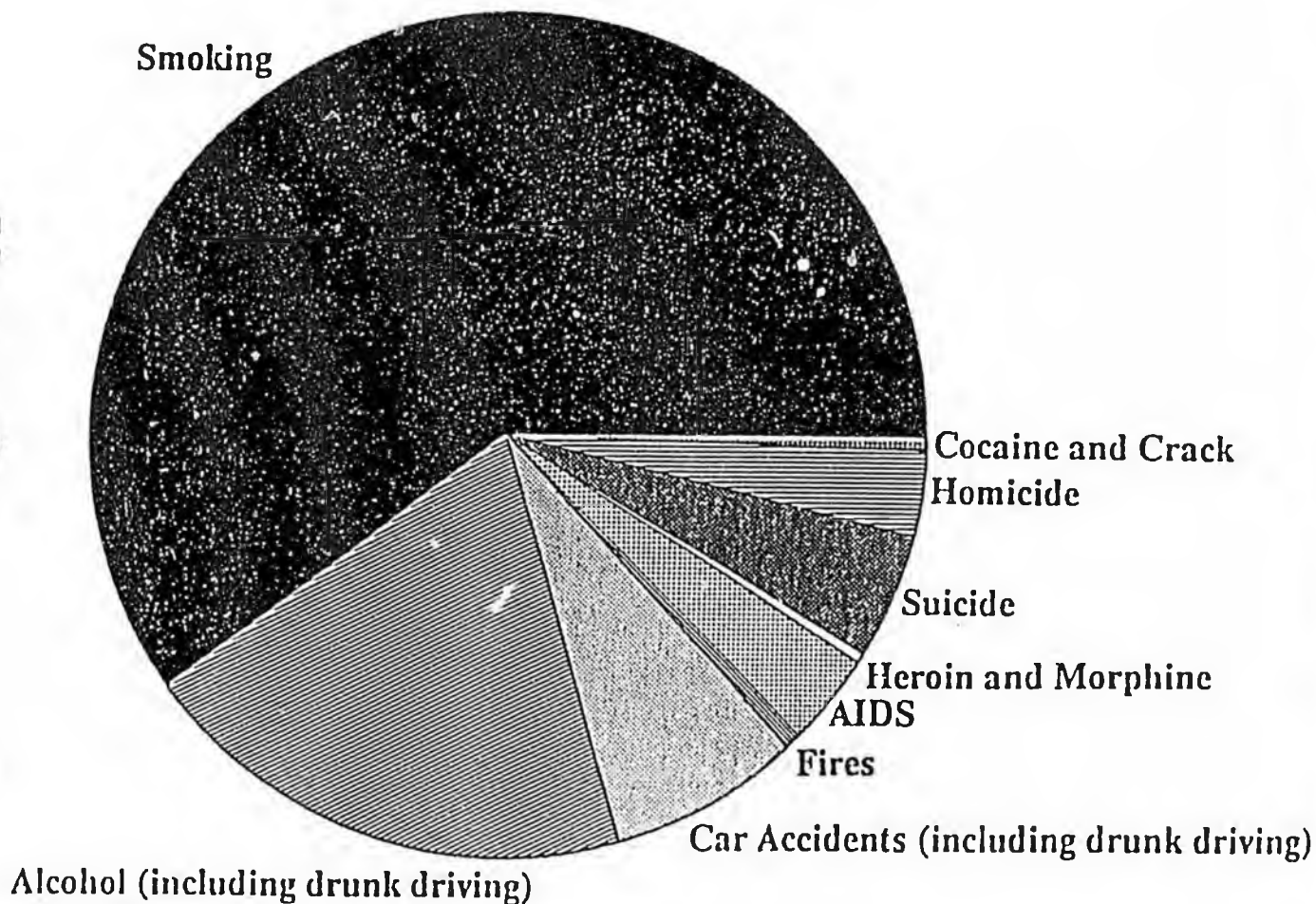
¹1989 Surgeon General's Report, 1985 data

²Surgeon General's Office, 1985 data

³National Safety Council, 1989 data

⁴Center For Disease Control, 1989 data

⁵National Center For Health Statistics, 1987 data



Smokefree Educational Services
Incorporated

375 South End Avenue, Suite 321F
New York, NY 10280
Phone: (212) 912-0944

Representative Kay Brown

ALASKA STATE LEGISLATURE

Legislative Information Office
3111 C Street #435
Anchorage, Alaska 99503
(907) 561-7627

During Session
P.O. Box V
Juneau, Alaska 99811
(907) 465-4998

March 3, 1992

Senator Drue Pearce, Chair
Senate Labor & Commerce Committee
State Capitol
Juneau, Alaska 99811

Dear Drue,

As you know, the House recently passed CS HB 84 (2nd Finance) am, legislation that would help to reduce the number of new teenage smokers.

This bill has the support of many statewide organizations including among others the American Cancer Society, Alaska State Medical Association, Alaska Nurses Association, Substance Abuse Directors Association of Alaska, American Lung Association, Alaska Native Health Board, Anchorage Health & Human Services Commission as well as regional health corporations, numerous doctors, nurses, parents, teachers, health professionals and other individuals from all over Alaska. Not surprisingly, the bill is opposed by the tobacco industry.

Children learn by example. As long as our society treats tobacco like candy and soda pop, how can we expect kids to do otherwise? No other dangerous, cancer-causing, addictive product or drug that is illegal for children to own is sold through vending machines. Louis Sullivan, President Bush's Secretary of Health and Human Services, and former U.S. Surgeon General C. Everett Coop have both urged a complete and total ban of tobacco vending machines.

Tobacco causes more premature death than AIDS, use of heroine, cocaine and alcohol, fire, automobile accidents, homicides and suicides *combined*. By calling for restriction of machines to adult only locations, CS HB 84 (2nd Finance) am is a responsible and reasoned response to what is by far the largest source of preventable illness and death in our country.

There have been attempts by the tobacco industry to confuse and confound the issue. This legislation would not in any meaningful way interfere with the rights of adults to buy tobacco products. If adults want to buy tobacco products, they will still be able to do so. CS HB 84 (2nd Finance) am would simply treat tobacco like the dangerous, addictive drug that we all know it is.

DISTRICT 12

Downtown • Fairview • City View • Bootleggers Cove • Inlet View • South Addition • Thunderbird Terrace
Eastridge • Penland Park • Airport Heights • Government Hill

This is not, as some have suggested, a matter of restricting personal freedom. It's a question of saving lives.

Drue, the fundamental reason for this bill is simple — adults rarely start smoking. Children do. Nearly all of today's smokers started when they were very young. 60% of current smokers started by age 14, some 90% by age 19. Even more importantly, we know from research sponsored by the vending machine industry itself, that it is the *youngest* of new smokers (13 year olds in the survey population) who rely most heavily on vending machines as a source of tobacco products. As noted in the survey: "Teens who bought from vending machines often or occasionally found this source to be attractive because no one will stop them from buying cigarettes this way."


We hear a lot about the "war on drugs" yet only rarely is tobacco included in these discussions. Nevertheless, tobacco products and smoking are responsible for 430,000 U.S. deaths annually — about one per minute — that's more Americans than died in World War II. Roughly one in six deaths is tobacco related. I think Dr. John Allen, president of the American Lung Association, referring to tobacco deaths, said it best:

"If, in the United States, five 727s with 200 people each crashed every day of every week of every month of every year... sooner or later someone would say: 'We've got to do something about this.'"

While respecting the rights of *adults* to make informed choices about their personal lives, CS HB 84 (2nd Finance) am will help prevent *children* from experiencing needless tobacco addiction, illness and death.

I would greatly welcome your support for CS HB 84 (2nd Finance) am and would appreciate a hearing for this legislation at the earliest opportunity.

Sincerely,



Representative Kay Brown

Support for...

House Bill 84
Children & Tobacco Addiction Prevention

American Cancer Society
Alaska State Medical Association
Alaska Nurses Association
Aleutian/Pribilof Islands Association, Inc.
Substance Abuse Directors Association of Alaska
American Lung Association of Alaska
Alaska Federation of Natives
Alaska Native Health Board
Alaska Family Support Group
Anchorage Municipal Health & Human Services Commission
Cordova Medical Clinic
Kodiak Island Hospital & Care Center
Kodiak Area Native Association
Tanana Chiefs Conference
North Slope Borough Department of Health & Social Services
Norton Sound Health Corporation
Bristol Bay Area Health Corporation
Southcentral Foundation
Alaska Department of Health and Social Services
Yukon-Kuskokwin Health Corporation
North Star Vending

... as well as numerous doctors, parents, teachers, health care providers and other individual Alaskans.

MAR 13 1992



Alaska Native Health Board

1345 Rudakof Circle, Suite 206
Anchorage, Alaska 99508

Phone: (907) 337-0028
FAX: (907) 333-2001

March 12, 1992

The Honorable Drue Pearce, Chair
Labor and Commerce Committee
Alaska Senate, State Capitol
Juneau, Alaska 99801-1182

Dear Senator Pearce:

I am writing on behalf of the Alaska Native Health Board to urge your support for House Bill 84, which would restrict cigarette vending machines to adult-only locations. We believe this legislation would be highly effective in preventing access to cigarettes by children, thus reducing the high rate of tobacco addiction seen among our people.

A recently published study by the Indian Health Service ("Cancer Mortality Among Native Americans in the United States") reveals that Alaska Natives have the highest cancer mortality of any Native American group, higher also than the U.S. average. One third of the deaths are from lung cancer. Sixty percent of adult Natives smoke, a habit almost all of them picked up as teenagers (or younger). These statistics represent an incredible amount of sickness, suffering, and death—not to mention health care costs—all preventable.

We know the tobacco industry has placed high-powered, highly paid lobbyists in Juneau to influence your vote. We urge you to remember that you were elected to serve in the public interest, not the interest of companies which promote the use of deadly, addictive drugs.

Sincerely,

A handwritten signature in cursive script that reads "Anne M. Walker".

Anne M. Walker
Executive Director

ALEUTIAN/PRILOF ISLANDS ASSOCIATION, INC.
BRISTOL BAY AREA HEALTH CORPORATION
COPPER RIVER NATIVE ASSOCIATION
KODIAK AREA NATIVE ASSOCIATION

MANILAQ ASSOCIATION
THE NORTH PACIFIC RIM
NORTH SLOPE BOROUGH HEALTH DEPARTMENT
NORTON SOUND HEALTH CORPORATION

SOUTHCENTRAL FOUNDATION
SOUTHEAST ALASKA REGIONAL HEALTH CORPORATION
TANANA CHIEFS CONFERENCE
YUKON-KUSKOKWIM HEALTH CORPORATION

MAR 16 1992

Anne Marie Holen
11241 Latta Circle
Anchorage, Alaska 99516
907/346-2789

March 12, 1992

The Honorable Drue Pearce, Chair
~~Labor and Commerce Committee~~
Alaska Senate, State Capitol
Juneau, Alaska 99801-1182


Dear Senator Pearce:

I am writing to urge your support for House Bill 84, which would restrict cigarette vending machines to adult-only locations. I believe this legislation would be highly effective in preventing access to cigarettes by children, thus reducing the high rate of tobacco addiction and subsequent cancer mortality seen in Alaska.

I know tobacco industry lobbyists are working hard in Juneau to influence your vote. Naturally the tobacco industry is against H.B. 84—they depend on a continual supply of young smokers to replace the 435,000 Americans who die annually of smoking-related diseases. The vast majority of smokers picked up the habit in their teens, or younger. As you know, it is extremely difficult to give up smoking once a person is addicted. The result is a staggering amount of sickness, suffering, and death, not to mention astronomical health care costs that are a burden to us all.

Please remember that you were elected to serve the public, not the interests of the tobacco lobby! It strikes me as outrageous that legislators would even give tobacco lobbyists the time of day. (Would you invite members of the Medellin cocaine cartel into your office?) H.B. 84 would help protect public health at virtually no cost to the state. Please lend your support to this worthwhile legislation.

Sincerely,



Anne Marie Holen

NB84

MAR 20 1992



Tom Fink,
Mayor

Municipality of Anchorage

Department of Health and Human Services

825 "L" Street
P.O. Box 196650 Anchorage, Alaska 99519-6650



March 17, 1992

Senator Drue Pearce
Chair of the Senate Labor
and Commerce Committee
PO Box V
Juneau, Alaska 99811

Dear Senator Pearce:

I am writing in support of CS HB 84 (2nd Finance) am.

Tobacco is a known carcinogen causing more than 434,000 deaths annually in the U.S. alone. While we must balance individual freedom with public health concerns in dealing with tobacco in legislation, we must also clearly restrict the purchase of this product by minors.

Because of the high addiction potential of tobacco with repetitive use, tobacco companies target young people with advertising. Most people who become addicted to this product began smoking as teenagers, when they had a poor understanding of the health consequences of their decision.

As a society we have the duty to protect our youth from dangerous drugs. Vending machines for these products should not be in areas accessible to youth. By restricting the sale of these products to minors, we will prevent many young people from becoming addicted without curtailing the freedom of adults to use these products.

I urge you to pass this legislation.

Sincerely,

Mary Ellen Gordian
Mary Ellen Gordian, MD MPH
Medical Officer

MAR 20 1992

Leo C. Kaye
HC 30 Box 12934
Wasilla, Alaska 99654
March 17, 1992

Senator Jalmar Kerttula
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator Kerttula,

This is my week to address the Legislators. I have just completed a battery of POM's to key House and Senate leaders concerning your SB No. 44 and SJR 9. It is my opinion that 1992 is the year for Alaska to make strategic moves to lay the foundation for a plan-of-action leading to a Veterans Home. Your support of the \$5,000 award to establish a Veterans Monument and Bicentennial Park has helped to enlist all veterans to create a powerful community force.

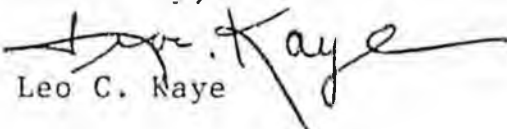
I wish to address another issue that Representative Kay Brown is championing. She is doing this with HB 84. I support this legislation because I know something about the hazards of smoking and habit forming among children. From 1948 to 1983, I was employed as an educator and administrator for Lung Association programs, the last 13 years in Alaska. My organization had enacted the first anti-smoking legislation signed in my presence by Jay Hammond.

I spoke to thousands of youth in schools living in Fairbanks and Kodiak and visited the Native Villages from Bethel to Koyokuk as well as Galena. I remember a young boy (age 7) in Haines talking to me about obtaining cigarettes from a vending machine. I also challenged a store keeper at a Seven Eleven store in Wasilla who was about to allow a youth to purchase cigarettes but he put them back on the counter.

Lung and other respiratory diseases such as emphysema, chronic bronchitis, asthma and cancer are preventable. I urge you to give Representative Brown's Bill your fullest and vocal support. Smoking habits and lung diseases are preventable.

In closing, I wish to report that our son David was sent to Ketchikan and was unable to visit with you as previously planned. He will try again.

Sincerely,


Leo C. Kaye

LCK/f

cc: Representative Kay Brown
Senator Drue Pearce



Leo C. & Frances G. Kaye
HC 30, Box 12934
Wasilla, Alaska 99687

March 17, 1992

LETTERS TO THE EDITOR
The Anchorage Times
PO Box 100040
Anchorage, Alaska 99510-0040

Cigarette Vending Machines

HB 84 is a legislative bill that deserves the support of all Legislators. After 35 years as an administrator in Lung Association programs, (1970-83 in Alaska) I can speak with authority on the subject of "easy availability of cigarettes" which leads to a habit forming practice. Vending machines are difficult to supervise and should not be accessible to youth. Medical sources have proven that cigarette smoking does lead to such preventable respiratory diseases as emphysema, chronic bronchitis, asthma and cancer. These lead to disability and costly treatment. Once the youth are hooked, they will continue and will enlist others.

Leo C. Kaye
Wasilla
376-8810



March 20, 1992

Alaska Area Native Health Service
250 Gambell Street
Anchorage, Alaska 99501-2781

Refer to: A-OCHS

Senator Drue Pearce, Chair
Senate Labor and Commerce Committee
State Capitol
Juneau, Alaska 99801

Dear Senator Pearce:

It is my understanding that the Senate Labor and Commerce Committee is currently considering House Bill 84, legislation that would reduce the easy access to tobacco products by children.

I would encourage the Committee to consider some of the information developed as a result of the Public Health Service study Cancer Mortality Among Native Americans in the United States. The data are very disturbing, especially for Alaska:

--For all cancers in both sexes combined, cancer mortality rates for Alaska Natives exceeded those in other Indian Health Service (IHS) areas, and exceeded the overall U.S. rate as well.

--Cancer is now THE LEADING CAUSE of death in Alaska women and ranks third in men. Tobacco-related deaths account for about one third of all deaths. Among cancer deaths in both men and women, lung cancer is the most frequent. Lung cancer rates are rising rapidly in both men and women; the curve is particularly steep for women.

--Because of the high prevalence of smoking among Alaska Native men and women (nearly 60%), this problem will get worse before it gets better.

Clearly, the highest priority for cancer prevention and control must focus on reduction of tobacco use. Lung Cancer is particularly tragic since lung cancer is caused by cigarette smoking, and, therefore preventable. House Bill 84 is an important part of the effort to reduce cancer deaths.

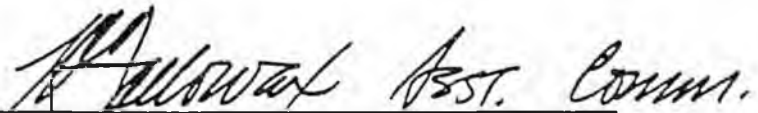
Sincerely,

Anne P. Lanier, M.D., M.P.H.
Epidemiologist
Alaska Area Native Health Service

CSHB 84 (L&C): "An Act relating to the offense of selling or giving tobacco to a minor; prohibiting sale of tobacco products by vending machine; requiring certain retailers to post a tobacco warning sign; and relating to the suspension or revocation of a license to sell, purchase, possess, or acquire cigarettes."

The bill attempts to reduce the availability of tobacco products by prohibiting the sale of tobacco products by vending machines. The bill also requires the court to notify the business licensing section of the Department of Commerce and Economic Development of any person convicted of violating the prohibition on vending machine sales in order to facilitate suspension of the person's business license tobacco endorsement. The department must also provide a consumer warning sign to be posted by all businesses that are issued the tobacco endorsement on their business license.

CSHB 84 (L&C) will strengthen existing laws concerning the illegal sale of tobacco to minors under the age of 19 by removing the availability of tobacco vending machines and, therefore, the department supports passage of the bill.


Glenn A. Olds, Commissioner

Date: 3-22-91

MAR 27 1992



SITKA TEEN RESOURCE CENTER

"PREVENTION THROUGH EDUCATION"
P.O. BOX 1034 SITKA, ALASKA 99835
(907) 747-3500

March 24, 1992

Senator Drue Pearce
Senate Labor & Commerce Committee
State Capitol
Juneau, AK 99801-1182

Dear Labor & Commerce Committee:

I am writing to express my support of House Bill 84 to help reduce the illegal sale of tobacco products to minors. As the Administrator of a youth drug and alcohol program, I see an alarmingly high rate of young people beginning to smoke at very young ages and who become addicted to tobacco within a very short time. Teens tell us that they frequently purchase cigarettes from vending machines.

Young teens do not always understand the long-term consequences of their actions and look at smoking as a glamorous activity that will make them "more grown-up". Although House Bill 84 is not a cure-all, it would help prevent young teens and children from smoking by limiting their access to cigarettes.

Please help protect our young people and make Alaska a healthier place for all of us.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Starostka". The ink is dark and the signature is fluid.

Kathy Starostka
Executive Director

MAR 27 1992

Jacquelyn L. Wagner, MPH
1470 Noble St. #3
Fairbanks, AK 99701

Senator Drue Pearce
Chair, Senate Labor & Commerce
State Capitol
Pouch V
Juneau, AK 99801-1182

March 19, 1992

Dear Senator Pearce,

I am writing this letter in support of HB 84. I would urge you to hear and consider this bill as soon as possible. This legislation is designed to reduce the illegal sale of tobacco products to children.

As a Public Health Professional I am concerned with the health of all Alaskans. The consumption of tobacco products in Alaska is a major health problem. We have some of the highest rates of tobacco use and there are abundant cases of children as young as 5 using tobacco products in our state. Tobacco use causes personal health problems for individuals and societal costs associated with ^{the} health care of these problems.

HB 84 is designed to reduce youth access to tobacco and therefore prevent the problems associated with tobacco use and addiction. It does not restrict adult use of a legal product.

- over -

During my graduate program I was involved in developing and implementing similar legislation in Minnesota. This legislation was adopted at local levels and eventually at the state level. This legislation is not unreasonable and has the potential to save many lives.

In summary, I urge you to support HB 841 and protect the health of Alaskan youth. Please do not hesitate to contact me if you would like further information/clarification regarding my role in this type of legislation in Minnesota.

Thank you!

Sincerely,

Jacqueline L. Wagner

Jacqueline L. Wagner, M.P.H.

Jacquelyn L. Wagner, NPH.
1470 Noble St. #3
Fairbanks, AK 99701



Senator Drew Persson
State Capitol
Pouch V
Juneau AK 99801-1182

Representative Kay Brown

HB 84
ALASKA STATE LEGISLATURE

Legislative Information Office
3111 C Street #435
Anchorage, Alaska 99503
(907) 561-7627

During Session
P.O. Box V
Juneau, Alaska 99811
(907) 465-4998

TO: Senator Drue Pearce, Chair
Senate Labor and Commerce Committee

FROM: Representative Kay Brown

DATE: March 30, 1992

SUBJ: CS HB 84 (Finance) am — Children & Tobacco Addiction

I would like to take this opportunity to provide you with some background information on CS HB 84 (Finance) am. This legislation has several elements, including provisions that would 1) reduce illegal tobacco vending machine sales to children and require direct merchant supervision of sales; 2) require warning signs to improve merchant awareness of legal obligations under the law; and 3) streamline enforcement provisions relating to illegal sales.

I would also like to specifically address the provisions of the bill concerning warning signs and to clarify why this is an integral part of the legislation.

Background

The basic premise for legislative action is simple — tobacco is, by far, the largest cause of preventable illness and death in our country. Tobacco kills more Americans each year than alcohol (including drunk driving), cocaine, crack, heroin, homicide, suicide, car accidents, fires and AIDS combined.⁷ Moreover, adults rarely start smoking — children do. Efforts at prevention must focus on children.

In trying to identify options to address this enormous health problem, I reviewed a large body of research including the report "Blueprint for Success" (September 1990) prepared jointly by the American Cancer Society, American Heart Association and the American Lung Association, as well as other scientific studies regarding the costs and consequences of tobacco addiction.

Nicotine Addiction Among Teens & Pre-Teens

Tobacco use is the most common form of drug addiction and responsible for approximately one in six deaths in the United States. When measured by the percentage of users who lose control over their substance intake, nicotine is

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six to eight times more addictive than alcohol.³ The addictive power of nicotine is manifest in the fact that 90% of current smokers want to quit and have failed to do so.³

Nicotine addiction typically begins during childhood, when the average age of the first use of cigarettes is 13 years, and for snuff, 10 years. ³ In a survey of 15 year olds smoking five or more cigarettes each day, 51% had failed to stop smoking when they tried and 27% felt they could not stop no matter how hard they tried.³ Long term cessation programs rarely exceed 25%, similar for abstinence rates for the treatment of alcoholism. ³

Most smokers become addicted to nicotine as children and, despite repeated attempts to stop, continue to smoke throughout their lifetime. Among those unwilling or unable to stop, more than half die of the consequences of smoking. Studies have shown that children who start smoking do not understand the nature of tobacco addiction. Smoking is perceived by these children as "cool" or glamorous, a mature thing to do. Since an estimated 3,000 - 4,000 American children start smoking daily, *nicotine addiction is the most common lethal condition of childhood.* ³

Need to Reduce Illegal Tobacco Sales to Children

A report on the efforts in Minnesota states the problem well:

"By their [teenagers] own report it appears that teenagers primarily obtain cigarettes from commercial sources rather than friends or family, and so laws which effectively prevent purchase by minors could have a major impact on prevalence of tobacco use in this age group." ¹ (emphasis added)

The Minnesota study included various purchasing trials conducted by underage children to document the relative ease with which minors could obtain cigarettes from commercial sources, including vending machines.

An initial round of purchase attempts were made, with a finding that children age 14 - 15 were successful in purchasing cigarettes 53% of the time in the case of over the counter attempts and 79% of the time in the case of vending machines. After the initial attempts were made, the Minnesota state legislature enacted a new law raising the legal charge for sale to minors from a petty misdemeanor to a gross misdemeanor, which carries a maximum penalty of \$3,000 fine and/or one year in jail. After the new law took effect (which was attended by substantial publicity), another round of purchasing trials was initiated:

"Efforts to purchase cigarettes over the counter after the new penalty went into effect were significantly less successful... . However, there

*was no measurable decline in the purchase success from vending machines over the two time periods. The vast difference in success rates between vending machine locations and over the counter locations... points to the necessity for controlling this source of cigarettes."*¹ (emphasis added)

Other studies have confirmed the ease with which teenagers acquire tobacco from commercial sources. In field trials, minors routinely succeed in purchasing from vending machines 70 - 100% of the time.² In Santa Clara County, for example, 412 stores and 30 vending machines were visited by minors aged 14-16; they were successful at 74% of the stores and 100% of the vending machines.² In a Massachusetts study, an 11 year old girl succeeded in 75 of 100 commercial tobacco purchase attempts (from a clerk in 59 of 93 attempts at a success rate of 63% and from a vending machine in 6 of 7 attempts for a success rate of 86%).³

The Minnesota study previously noted went on to point out that the results of that study argued in favor of a complete ban on tobacco vending machines. Louis Sullivan, President Bush's Secretary of Health and Human Services, as well as former U.S. Surgeon General C. Everett Koop, have also both called for a complete ban on tobacco vending.

As originally introduced, House Bill 84 called for a total ban on tobacco vending machines. In response to concerns that this approach was too severe, however, the legislation was amended to reflect the present proposed *placement restrictions* limiting machines to adult only locations.

Use of Tobacco Vending Machines by Children

We know from research sponsored by the vending machine industry itself, that it is the *youngest* of new smokers who rely most heavily on vending machines as a source of tobacco products.⁸ A 1989 research survey, conducted for the national trade association for the merchandise vending machine industry, found that vending machines (as opposed to over-the-counter sales) are relied on to by younger teens and that "13 year olds are the most likely to use vending machines."⁸ The primary location of the vending machines used by teens is a restaurant or other eating establishment. Bowling alleys and gas stations are also popular locations.

The survey also found that those teens that seldom or never bought over the counter did not buy from this source more frequently because they were underage and felt that "they would be asked for an ID or hassled in some other way (59%)."⁸ As noted in the survey:

"Teens who bought from vending machines often or occasionally found this source to be attractive because no one will stop them from buying cigarettes this way."⁸

The survey also confirmed a high *success rate* for illegal teenage vending machine purchases — approximately eight attempts out of nine (89%).

This experience has been confirmed in Alaska through purchasing trials conducted by the American Lung Association of Alaska, as well as more recent purchase attempts by a minor in Juneau within the last year. During the House committee process, a local teenager from Juneau Douglas High School testified that he had just visited a number of local businesses to test how well vending machines are supervised. He successfully purchased cigarettes from each machine without being challenged in the process. In fact, at one location, the vending machine was out of order — so the clerk gave him directions to the nearest working machine.

Tobacco Addiction, Disability & Death in Alaska

The U.S. Center for Disease Control (CDC) estimates that 434,000 Americans died in 1988 due to smoking.⁴ In Alaska, of 2,092 deaths in 1989, it is estimated that 17% were smoking related.⁴

Relative to national standards, cancer mortality data indicates that tobacco is killing a disproportionate number of Alaskans, especially Alaska Natives. A recent Department of Health and Social Services, Public Health Service study *Cancer Mortality Among Native Americans in the United States*, found that cancer mortality rates for Alaska Natives exceeded overall U.S. rates and cancer is the leading cause of death in Alaska women and ranks third in men.⁵ Lung cancer is the most frequent cause of death. Tobacco-related deaths account for about one third of the total. Lung cancer rates, attributable in large part due to the high prevalence of smoking among Native Alaskans, are rising rapidly in both men and women; the curve is particularly steep for women. Cancer death rates, due largely to patterns in lung cancer, are expected to get worse in Alaska for the foreseeable future.⁶

As noted by Dr. Anne P. Lanier, Epidemiologist for the Alaska Area Native Health Service: "Clearly, the highest priority for cancer prevention and control must focus on reduction of tobacco use." ⁶

Other Laws & Model Legislation

As of January 1992, a total of 38 local governments had enacted ordinances to completely ban cigarette vending machines. Another 71 local governments and 2 states (Utah and Hawaii) have enacted laws that severely restrict placement of machines.⁹

A 1987 study of public health laws by DiFranza, et. al., intended to prevent children from smoking in all fifty states and the District of Columbia concluded that more effective laws are clearly needed.³ The report recommended model legislation which included, among other provisions, a ban on vending machines (as well as alcohol vending machines); the conspicuous posting of warning signs regarding the legal prohibition of sales to minors; and penalties sufficient to deter illegal sales.

Warning Signs & the Effect of Merchant Education

Fourteen states require the posting of warning signs stating that it is illegal to sell tobacco to minors.¹⁴ In particular, the DiFranza study examined the efficacy of a Massachusetts law which required that a copy of the state law prohibiting tobacco sales to minors be posted conspicuously on the premises of retail sales outlets. The study determined that:

“Educating vendors about tobacco laws is crucial to obtaining their cooperation and compliance. A posting of the law is an effective method of informing vendors of the law, serving as a reminder for employees and demonstrating that management is concerned about complying with the law.”³

Not surprisingly, the study found that compliance by commercial tobacco outlets was greatest among establishments where the law was posted. The efficacy of warning sign placement and merchant education regarding state law was also the subject of a 1989 study by Altman et. al., published in the *Journal of the American Medical Association*.² The success rate of purchasing trials by minors was compared “before” and “after” tobacco warning signs had been posted. *Illegal sales were substantially reduced in those establishments that posted signs.* Reductions in illegal sales by as much as 63%. Results are summarized below:²

<u>Store Type or Tobacco Source</u>	<u>After Warning Signs Reduced Illegal Sales</u>
Gas Station	- 35%
Liquor Store	- 45%
Convenience Store	- 41%
Pharmacy	- 53%
Grocery Store	- 63%
Vending Machine	0% (no change)

Significantly, the study also found: “Sales to minors were reduced in all categories *except* vending machines.”² (emphasis added) That is, vending machine sales were not reduced from the pre-intervention purchase success

level of 100%, further reinforcing the need for rigorous restrictions on this uniquely difficult to control tobacco source.

It has been argued by the tobacco industry that the requirement to post warning signs is preempted by federal law. Legislative legal counsel has reviewed this issue and determined that CS HB 84 (Finance) am is not preempted by federal law. Moreover, the fact that 14 other states have successfully enacted warning sign provisions contradicts this objection.

Enhanced Penalties & Enforcement Needed

At the same time, the DiFranza study concluded that compliance overall was poor and that *lack of enforcement* is a significant contributing factor:

"Penalties for the sale of tobacco to minors must be stringent enough to deter would-be offenders in light of the profit that can be made by selling tobacco to children."³

Enforcement of Alaska's present law prohibiting sale of tobacco products to minors is essentially non-existent. This is due primarily to the cumbersome provisions of current Alaska state law which requires that a person be convicted of a "knowing sale" of tobacco products to a minor. This standard of proof in a court of law is virtually impossible to achieve (as a defense a person could simply assert that they did not *know* that the minor was underage). Together with the fact that law enforcement resources are limited, and police are not willing to undertake prosecutions of tobacco sales violations as matter of priority, enforcement does not occur.

CS HB 84 (Finance) am would streamline the enforcement provisions of current law, replace the "knowing" standard with a "negligence" standard (similar to the standard applicable to a bartender) and allow peace officers of the state to issue a citation of \$300 for an offense. A person receiving a citation would still retain all rights under the law and have the option of a formal court proceeding if the person wished to contest a citation.

As noted previously by the Minnesota study, when educated about increased penalties associated with illegal sales, merchants were more attentive to challenging underage teens who attempted over the counter purchases.

Impact of Placement Restrictions on Commercial Vending Operators

Based on the experience in Utah, where tobacco vending machine restrictions have been enacted, it is not anticipated that this legislation would have substantial adverse economic impact on vendors.

In Utah, nine months following the establishment of the placement restrictions, Smokefree Educational Services conducted an informal telephone survey of the Utah vendors who had objected most strenuously. All businesses surveyed were doing well and growing despite the placement restrictions. In the one instance where employees had been laid off (two workers), sales were nevertheless still up by \$20,000.

This finding is consistent with national survey data that a large majority of vending machines are already located in bars and other adult-only locations. According to National Automatic Merchandising Association (NAMA) research, only about one quarter of tobacco vending machines are located in areas open to the general public and easily accessible to minors (eg, restaurants, gas stations, retail stores, bowling alleys, hotels, etc.). Yet it is these machines that are a disproportionately significant source of illegal sales to young children.

Accordingly, while restricting machines as proposed by CS HB 84 (Finance) am would not have a severe impact on vending businesses, eliminating this source of illegal sales to minors can be expected to help substantially reduce tobacco availability to the youngest of new smokers.

Economic Impacts of Tobacco Addiction & Illness

In contrast to the negligible economic impacts that restrictions as proposed by CS HB 84 (Finance) am would have, tobacco related illness, disability and death are staggering.

The federal Department of Health and Human Services has estimated that smoking increases national health care costs and insurance for everyone by about \$52 billion.¹¹ Moreover, smokers' illness monopolizes the attention of many health care workers who devote valuable time to the needless illness and disease caused by tobacco products.

Smoking causes 80 million lost work days a year, which costs employers between \$300 and \$6,000 a year per smoker. The federal Office of Technology Assessment (OTA) has estimated that smoking costs employers as much as \$95 billion a year in the form of lost productivity and health care costs.¹²

Within Alaska, the total estimated costs in 1989 for smoking related morbidity and mortality was \$83.2 million.⁴

CS HB 84 (Finance) am — A Question of Protecting Children

Easy access to tobacco is an essential prerequisite for widespread teenage tobacco addiction. Over half of high school seniors who smoke at least a half a pack a day have made at least one serious but unsuccessful attempt to quit

smoking, 47% say they would like to quit at the current time, and almost three-fourths of daily smokers in high school still smoke seven to nine years later, even though in high school only 5% thought that they would be daily smokers five years later.

As stated by Louis Sullivan, President Bush's Secretary of Health and Human Services:

"We must put to an end the time when any child with a handful of change can commence the slow-motion suicide that is taking the lives of millions of Americans."¹³

Sullivan also urged that warning signs be placed at the point of retail sale to remind merchants of their obligations under the law.

At most, CS HB 84 (Finance) am would pose a minor inconvenience to adult smokers. On the other hand, this legislation would help reduce needless illness and death that is claiming 430,000 U.S. lives each year, about one person per minute — more Americans each year than died in World War II. By contrast, the atomic bomb dropped on Nagasaki killed about 40,000 people.

While respecting the rights of *adults* to make informed choices about their personal lives, CS HB 84 (2nd Finance) am is needed to help prevent *children* from being manipulated by sophisticated advertising practices leading to tobacco product addiction, illness and death.

* * * * *

Drue, the data and information is overwhelming. Tobacco is highly addictive. It addicts young children who don't have a clue as to what they are doing when they take up cigarettes or snuff. (The *average* age for first use of smokeless tobacco is 10 years old.¹⁵) Tobacco is killing hundreds of thousands of people each year — in this country alone — at an economic cost of up to \$95 billion while also wasting the lives and talent of countless doctors, nurses and health care professionals on what is truly needless, *preventable* illness, disability and death.

Once again, I would like to request that you schedule CS HB 84 (2nd Finance) am as soon as possible and I would greatly appreciate your support of this legislation.

References

- ¹ Jean L. Forster, PhD, MPH, et. al., "The Movement to Restrict Children's Access to Tobacco in Minnesota," paper presented at the Surgeon General's Interagency Committee on Smoking and Health (May 31, 1991).
- ² David G. Altman, PhD, et. al., "Reducing the Illegal Sale of Cigarettes to Minors," *Journal of the American Medical Association*, Vol. 261, No. 1 (January 6, 1989).
- ³ Joseph R. DiFranza, MD, et. al., "Legislative Efforts to Protect Children from Tobacco," *Journal of the American Medical Association*, Vol. 257, No. 24 (June 26, 1987).
- ⁴ "Impact of Smoking in Alaska," State of Alaska Department of Health and Social Services, *Epidemiology Bulletin* No. 14, July 5, 1991.
- ⁵ Sarah Valway, et. al., *Cancer Mortality Among Native Americans in the United States: Regional Differences in Indian Health, 1984-1988, Trends Over Time, 1968-1987*, Department of Health and Human Services, Public Health Service.
- ⁶ Correspondence, Anne P. Lanier, MD, MPH, Epidemiologist, Alaska Area Native Health Service, to Anne Walker, Executive Director, Alaska Native Health Board dated March 2, 1992.
- ⁷ Smokefree Educational Services, Inc. , based on data from the U.S. Surgeon General's reports, the National Safety Council, The Center for Disease Control, and the National Center for Health Statistics.
- ⁸ Response Research, "Teenage Cigarette Smoking and Purchasing Behavior," research survey prepared for the National Automatic Merchandising Association (June/July 1989).
- ⁹ "Major Legislation Restricting Tobacco Vending Machines in the U.S. Effective January 1992," *Americans for Nonsmokers Rights'*, Berkely California (1992).
- ¹⁰ Correspondence, Joeseeph W. Cherner, Smokefree Educational Services, to The Honorable Peter Vallone, New York City Council, October 22, 1990.
- ¹¹ "Smoking's Ills," *Anchorage Daily News*, February 21, 1990 (page E-8).
- ¹² "Smoke Screens: Why You Should Limit Smoking in the Workplace," Risk Management, Alaska Municipal League newsletter (1992).
- ¹³ "Sullivan wants laws to cut tobacco vending," *Associated Press*.
- ¹⁴ Alaska Department of Health and Human Services — Position Paper on House Bill 84 (February 25, 1991).
- ¹⁵ Joseph R. DiFranza, et. al., "RJR Nabisco's Cartoon Camel Promotes Camel Cigarettes to Children," *Journal of the American Medical Association*, Vol. 266, No. 22 (December 11, 1991): "After a 24-year decline in smokeless tobacco sales, an aggressive youth-oriented marketing campaign has been followed by what has been called 'an epidemic' of smokeless tobacco use among children, with the *average* age for new users being 10 years." (emphasis in original)

THE BRALOR

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March 30, 1992

Senator Drue Pearce
Alaska State House
Pouch V
Juneau, Alaska 99811

Dear Drue:

I understand the Labor and Commerce Committee which you chair will soon be considering CSHB418 relating to amending the current child labor law to allow minors to work on film and video jobs in Alaska. This is an important issue for our industry and is needed to make Alaska competitive with other potential locales when a child cast member is involved.

I would appreciate anything you can do to help this bill get passed.

Best regards

Robert J. Gould

RJG/kj

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 84 2nd Fin (Am)

Revision Date: April 10, 1992

Title: Prohibiting Sale of Tobacco

Department Affected: Department of Revenue

BRU: Revenue Operations

Component: Income and Excise Audit

Sponsor: Brown

Requestor: _____

COMPONENT SERIAL NO. | 1 | 1 | 3 |

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LANDS & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
FUND SOURCE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
FUND SOURCE						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \$0.0

ANALYSIS: This fiscal note updates our previous fiscal note of January 21, 1992 due to an amendment by the House of Representatives. This amendment has no impact on the Department of Revenue.

Prepared By: Paul Dick Phone: (907) 465-2320

Division: Income and Excise Audit Date: April 10, 1992

Approved by Commissioner: Darrel J. Rexwinkel Date: 4/13/92

Agency: Department of Revenue

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legls. Ofc., & Impacted Agency(ies).

1992 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Commerce & Economic Development
 Title: An Act relating to the offense of selling or giving tobacco to a minor... BRU: Occupational Licensing
 Component: Administration
 Sponsor: Reps. Brown, Ellis, B. Davis
 Requestor: Rep. Brown COMPONENT SERIAL NO.

0	3	5	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.0	2.0	2.0	2.0	2.0	2.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.0	2.0	2.0	2.0	2.0	2.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER - GF/PR	2.0	2.0	2.0	2.0	2.0	2.0
TOTAL	2.0	2.0	2.0	2.0	2.0	2.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

The expenditure identified in this fiscal note results from Section 8 of the bill which requires making a consumer warning sign available to businesses that obtain the tobacco endorsement on their business license. An authorization from program receipts collected in the business licensing program is requested.

Prepared By: Jennifer Strickler Phone: 465-2144
 Division: Occupational Licensing Date: 04/10/92
 Approved by Commissioner: Glenn A. Olds
 Agency: Department of Commerce & Economic Development Date: 4-18-92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill No. CS HB 84 (2nd Finance) am

Revision Date: 04/10/92 Department Affected: Alaska Court System
 Title: An Act relating to the sale, exchange, BRU: Trial Courts
or giving of tobacco and tobacco products Components: _____
 Sponsor: Brown
 Requestor: Labor & Commerce COMPONENT SERIAL NO. 000 | 000 000 | 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228
 Division: Alaska Court System Date: 04/10/92

Approved by: Arthur H. Snowden, II, Administrative Director *AS*
 Agency: Alaska Court System Date: 04/10/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Representative Kay Brown

ALASKA STATE LEGISLATURE

Legislative Information Office
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Anchorage, Alaska 99503
(907) 561-7627

During Session
P.O. Box V
Juneau, Alaska 99811
(907) 465-4998

TO: Senator Drue Pearce, Chair
Senate Labor & Commerce Committee

FROM: Representative Kay Brown *KB*

DATE: April 10, 1992

SUBJ: CS HB 84 (2nd Finance) am — Tobacco & Youth

In anticipation of the hearing on CS HB 84 (2nd Finance) am, please find attached the following materials:

1. Sponsor Statement
2. Agency Position Papers
 - Department of Health and Social Services
 - Department of Commerce and Economic Development
3. Fiscal Notes
 - Department of Commerce and Economic Development (2.0)
 - Department of Revenue (0.0)
 - Alaska Court System (0.0)
 - Department of Health and Social Services (0.0)
4. Sectional Analysis
5. Tobacco Warning Signs
 - Effectiveness of warning signs (A. Zangri/DHSS)
 - LAA legal opinion (federal pre-emption)
6. Additional Information
 - Smoking Compared to Other Causes of Death (pie chart)
 - Ten Reasons to Restrict Tobacco Vending Machines
 - Alaska Cancer & Tobacco Use (cancer mortality rates)
 - "Study attributes 400,000 deaths to past smoking" (article)
 - "Young Addicts: Crack down on vending machines" (editorial)
 - Tobacco as a Gateway Drug (bar graph)
 - Teenage Smoking — General Accounting Office (fetal effects)
 - "Vending Machines Sell Cigarettes To Children 100% of Time"
 - Reducing Youth Access to Tobacco (JAMA, Vol. 266, No. 22)

DISTRICT 12

Downtown • Fairview • City View • Bootleggers Cove • Inlet View • South Addition • Thunderbird Terrace
Eastridge • Penland Park • Airport Heights • Government Hill



Tom Fluk,
Mayor

Municipality of Anchorage

Municipal Health & Human Services Commission

825 "L" Street

P.O. Box 196650 • Anchorage, Alaska 99519-6650



Telephone:
(907) 343-4674

April 10, 1992

Senator Drue Pearce, Chair
Senate Labor and Commerce Committee
State Capitol
Juneau, AK 99801-1182

Dear Senator Pearce,

The Municipality of Anchorage Health and Human Services Commission has reviewed CSHB 84 which is designed to reduce the illegal sale of tobacco products to children. We understand that the bill has been scheduled for a hearing by the Senate Labor and Commerce Committee and strongly urge you to give it favorable consideration.

The costs of tobacco consumption have been well documented. Tobacco causes more premature deaths than AIDS, alcohol and drug use, automobile accidents, homicides, and suicides combined.

Due to its addictive properties, a variety of strategies must be employed in order to significantly reduce tobacco consumption. Some of the most effective strategies involve reducing the number of new teen-age smokers. (Approximately 60 percent of current smokers started by age 14, 90 percent by age 19.)

Banning cigarette sales through vending machines will eliminate one of the easiest ways for minors to acquire cigarettes. Studies have shown that young smokers rely most heavily on vending machines as a source of tobacco products because no one will stop them from purchasing tobacco from this source.

The compromise which would restrict the placement of vending machines to bars and private adult clubs is reasonable. The rights of adults to make informed choices about their personal lives and bear the consequences are protected as well as the rights of children to be protected from addiction to tobacco products.

Sincerely,

Richard Towell, Chair
Municipal Health and Human Services Commission

cc: Helen D. Beirne, Ph.D., Director
Municipality of Anchorage
Department of Health and Human Services



ALASKA DIVISION, INC.

DATE: April 13, 1992

DELIVER TO: Drue Pearce FAX # 463-5352

SENT BY: Diana Kuhns FAX # 277-8697 PHONE 907-277-8696

This Fax Telecopy consists of 1 pages including this page. *****

MESSAGE OF ADDITIONAL INFORMATION

Senator Pearce --- As your constituent and Executive Vice President of the American Cancer Society, Alaska Division, Inc., I ask for your support and passage of HB 84 through your Labor and Commerce Committee. Representative Kay Brown has provided you the facts concerning children and tobacco addiction. This bill is of importance for the legislators to show their support and care for Alaskan health.

Diana Kuhns

Diana Kuhns
8111 Country Woods Dr.
Anchorage, AK 99502



ALASKA DIVISION, INC.

DATE: April 13, 1992

DELIVER TO: Senator Drue Pearce FAX # 463-5352

SENT BY: Emily Larson FAX # 277-8697
PHONE 907-277-8696

This Fax Telecopy consists of 1 pages including this page.

MESSAGE or ADDITIONAL INFORMATION

Drue --- Posting warning signs stating that it is illegal to sell tobacco to minors reinforces the law to vendors, employees, and the public. Compliance of the law was greatest among establishments post the law. Studies show that sales to minors were reduced in all facilities except vending machines. HB 84 addresses both signage and placement of vending machines to deter minors access to tobacco. Your support of HB 84 is of utmost importance. Thank you!

Emily Larson, Chairman of the Board

TELECOPY COVER SHEET
Kodiak Legislative Information Office

Office - (907) 486-8116

Fax - (907) 486-5264

TO: Senate Labor & Commerce Committee FAX: _____ PHONE: 465-3844

FROM: Kenny Lester - Kodiak (via the LIO Kodiak) PHONE: 486-3376

INSTRUCTIONS: Could a copy of this testimony be given to Senators Collins, Eliason,
Halford, Kerttula and Zharoff also?

RECEIVED: Date 4-14-92 Time _____

SENT: Date _____ Time _____

DISPOSAL OF ORIGINAL: Discard _____ Hold for Pickup _____

NUMBER OF PAGES: 4 (Not counting cover sheet)

SENT BY: Loma



Alaska State Legislature

Please enter into the record my testimony to the Senate Labor & Commerce Committee
committee name

92-04-049
committee on HB 84 - Ban sale of Tobacco dated 4-13-92
bill/subject

Kenneth R. Lester
Box 538
Kodiak, Alaska 99615
1992

April 14,

Honorable Senator Drue Pearce
Chairperson, Labor & Commerce
Alaska State Senate
State Capitol
Juneau, Alaska 99801-1162

RE: House Bill 84

Dear Senator Pearce,

I would like to again thank you for the opportunity extended on April 13th to testify on the teleconference network on this bill.

Due to the short time frame and somewhat nervous ability I had to get my points across I feel that further testimony by letter will state my case to the fullest. I realize that this is a very busy time in the business of the Legislature and thank you for your time involved in reading this explanation. I am also enclosing a copy of an article taken from the Anchorage times that is very reflective of the action being taken by all levels of Government at this time in history.

House Bill 84 will have a direct impact on my business as my Brother and I operate a Vending Business in Kodiak. We service all types of vendors including cigarette machines and are in all types of business locations in Kodiak. If vending of tobacco products is outlawed we stand to lose approximately \$20,000.00 of equipment and 18% of our net income. This may seem to be a small amount but in fact our business breaks even each year and nothing more. If we are forced to increase our prices to make up for this loss our over all sales will in fact go down creating a vicious circle. As with all small business these days we are struggling with overhead and government regulation at all levels. One of these laws will be the straw that breaks the camels back, causing us to go out of business and the loss of seven employed positions. We sincerely hope that Government at all levels will wake up some day and see the effects that regulations are having on small business in all walks of life.

We are a supporters of non sales of tobacco products to those under the age of 19, or even 21. The fact that the effects of these products are devastating to developing bodies is well documented. It was also stated that minors "deny that it will happen to me" when discussing the effects of tobacco in any form. This statement can be and is made on any subject for any age group when discussing death or accidents. The attitude for using seat-belts is a perfect example. Therefore should not even be

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considered in any discussion until the human race is capable of accepting the facts. It has been the law for years that minors are not to be sold nor have tobacco products in their possession, but like all substances that are illegal, it is very hard to enforce and the results are most always minimal. We believe in education as the answer to this and many other problems that are being forced on minors today through our fast changing times. Let's look at the effect that knowledge and changing attitudes have had on our sales of tobacco products in Kodiak. Ten years ago 50% of our net income was from tobacco sales. Today it is 18% of net income. Since education of the masses has occurred from all angles and for all ages our sales have and continue to drop. But, the very fact that the sales changes have occurred over time and not by instant decree has allowed us to continue in business by expanding as we can afford it and offering other services to increase sales.

As I stated during the teleconference, we also operate two Arcades in Kodiak and we do not and have not allowed the use of any tobacco products in either establishment. After the House passed Bill 84, I asked our employees to conduct a survey of the minors that are smoking outside on the sidewalks as to where they purchase their cigarettes. The answer, not surprisingly, was from grocery and convenience stores, because the price difference is so great if purchased from a vending machine. Our vend price is \$1.10 over that of other avenues of obtaining cigarettes. The law states that all ages may not use drugs, but it is the number one plague for teens today and all the laws that are written will not cure this problem as fast as education is proving over time.

Representative Brown stated that this will not infringe on the rights of adults. Bah! Humbug! Let's look at some instances that will effect their rights. A worker that is going to work early in the morning, before small community stores are open, will lose all access to cigarette purchases. Employees that work shift work will find their access limited. Employees that work long shifts starting early or working late will lose access. In Kodiak we serve the local Cannery's and they work 24 hours a day, meaning that late at night they will have lost all access to their right to smoke, if they so choose, and run out of cigarettes. I will agree that the couple of larger cities in Alaska will not be effected in this manner, but most of Alaska's Community's are small and will be directly affected by the loss of rights this bill will add onto those lost already.

As for the provision that "employee break rooms or other controlled area of a private workplace" may be approved by the Commissioner of Health and Social Services. I would like to site an example of how these government departments work. Last year the State Fire Marshall inspected Kodiak and found that some of our machines were connected by multi-plug extension cords. He directed us on how to correct the problem that could be caused by using surge protector multi-plugs, such as used on computers, with breakers rated less than the main breakers in the service

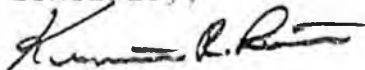
③

panels for the establishments. We followed his suggestion to the tee! This year he returned and lo and behold he noticed that the machines were connected by multi-plug extension cords and listed them as a violation to be corrected. I contacted him in his office by a costly long distance call and explained his suggestion from last year and the corrective action we had taken at the time. I also explained that we continued to use the cords he required. He then explained that he had not looked close enough to determine the fact that we were using these cords and said to make note on the reports that the locations were to provide his office. How, pray tell, are government employees to do an effective job in each location across this great State if in these times of budget crunching more and more items are listed in their things to do file while numbers of employees are cut! In effect, approval of break rooms will be a low item on their list of things to do and the rights of citizens will be expended due to loss of time and man power for inspections.

I am and will remain against this bill, whether or not it effects our business, due to the ever increasing loss of rights of the individual in America. As I stated in a Letter to Senator Zharoff, " "1984" may not have happened in 1984, but if we as Americans do not keep vigilant the forecast of "1984" will happen".

Thank you for taking the time to listen to my thoughts on this matter.

Sincerely,



Kenneth R. Lester
American, Business Owner, and 45 year resident of Alaska

CC: Senators: Collins, Eliason, Halford, Kerttula, Zharoff

DEPT. OF HEALTH AND SOCIAL SERVICES

BUREAU OF VITAL STATISTICS
P.O. BOX 11
JUNEAU, ALASKA 99811-0675
PHONE: (907) 465-3392

May 15, 1991

Honorable Kay Brown
House of Representatives
State of Alaska
Room 513, Capitol
PO Box V
Juneau AK 99811

Dear Representative Brown;

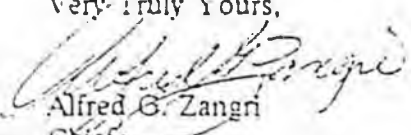
It has come to my attention that questions have been raised about the effectiveness of the warning signs proposed in HB 84. As I indicated in my testimony before the House Labor and Commerce committee, these signs are a vitally important component of the legislation.

The question of the effectiveness of this type of warning sign was directly addressed in a 1989 study undertaken by Altman, Foster, Douss, & Tye in Santa Clara County, California and published in the Journal of the American Medical Association on January 6, 1989. Briefly, this study found that placing signs warning that it is illegal to sell tobacco products to minors in businesses that sell tobacco products reduced illegal sales to minors by the following percentages.

Store Type	% Reduction in Illegal Sales
Vending Machine	0
Gas Station	-35%
Liquor Store	-45%
Convenience Store	-41%
Pharmacy	-53%
Grocery Store	-58%

These reductions are significant.

Very Truly Yours,


Alfred G. Zangri
Chief

Smoking Kills More Americans Each Year Than Alcohol, Cocaine, Crack Heroin, Homicide, Suicide, Car Accidents, Fires, and AIDS combined.

Approximate Number of Deaths:

Smoking.....	434,000 ¹
Alcohol (including drunk driving).....	125,000 ²
Car Accidents (including drunk driving).....	47,000 ³
Fires.....	4,000 ³
AIDS.....	23,000 ⁴
Heroin and Morphine.....	2,400 ⁵
Suicide.....	31,000 ⁵
Homicide.....	21,000 ⁵
Cocaine and Crack.....	3,300 ⁵

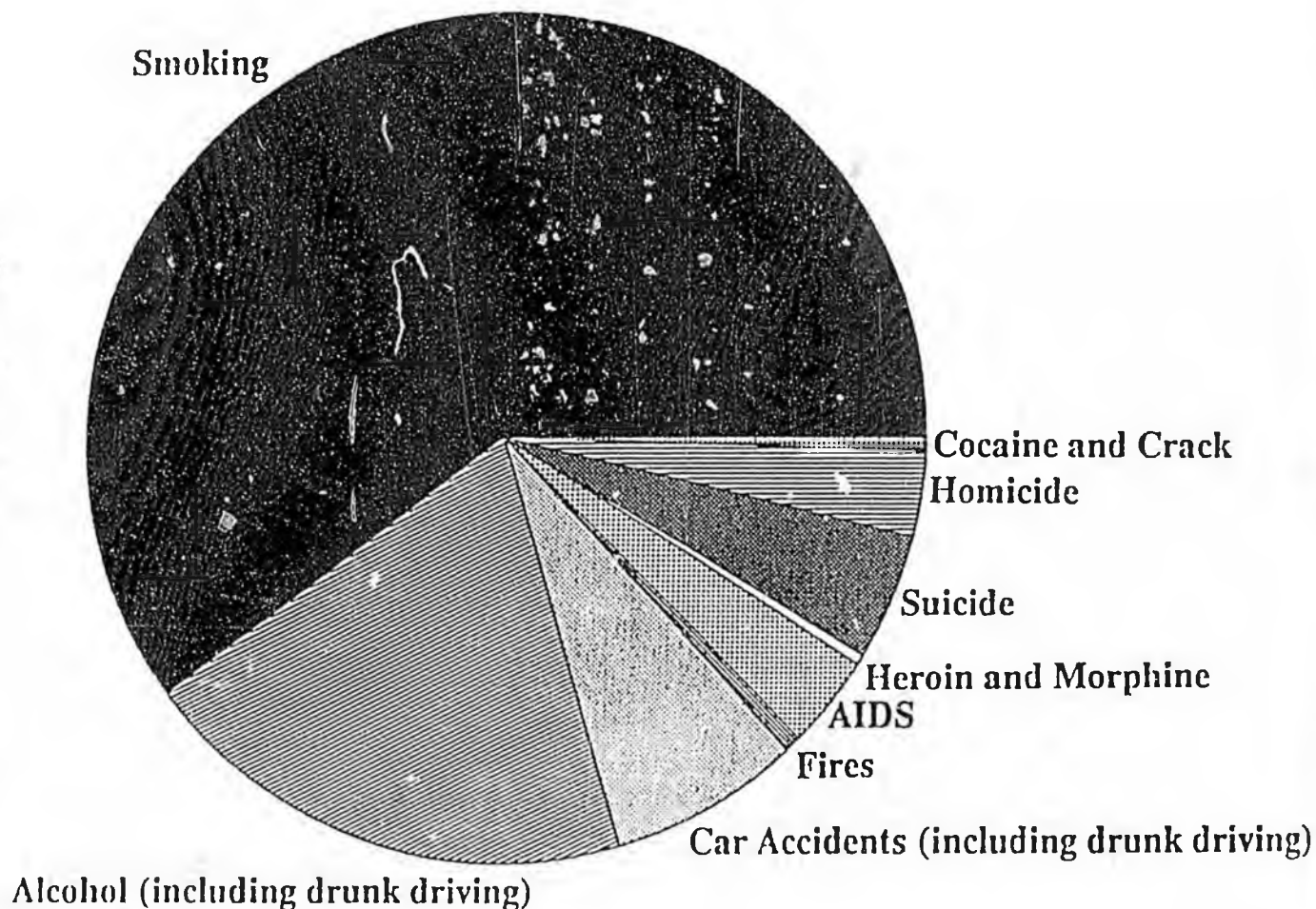
¹U.S. Surgeon General's Office, 1988 data

²U.S. Surgeon General's Office, 1985 data

³National Safety Council, 1989 data

⁴Federal Centers For Disease Control, 1989 data

⁵National Center For Health Statistics, 1987 data



Smokefree Educational Services
Incorporated

375 South End Avenue, Suite 32P
New York, NY 10280
Phone: (212) 912-0940
Fax: (212) 488-8011

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

April 17, 1991

SUBJECT: Tobacco warning signs - (CSHB 84(L&C))

TO: Representative Kay Brown

FROM: Michael F. Ford *M.F. Ford*
Legislative Counsel

You have asked for our review of a memorandum that concludes that the tobacco warning sign required under sec. 10 of CSHB 84(L&C) is preempted by federal law. It is our conclusion that this legal analysis is misapplied to the warning sign required by CSHB 84(L&C).

The legal authority cited by the memorandum would preempt an attempt by the state to alter the package, labeling, or advertising warnings placed on tobacco products. However the warning sign contained in CSHB 84(L&C) is not attached to the cigarette package or label and is not associated with cigarette advertising. The memorandum cites no authority to support the conclusion that this specific form of cigarette warning sign has been preempted by federal law.

The memorandum also states that several other states have declined to require this type of warning sign. The fact that other states have declined to require this form of warning does not preclude this state from doing so.

Please contact me if you have further questions.

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91-269.plm

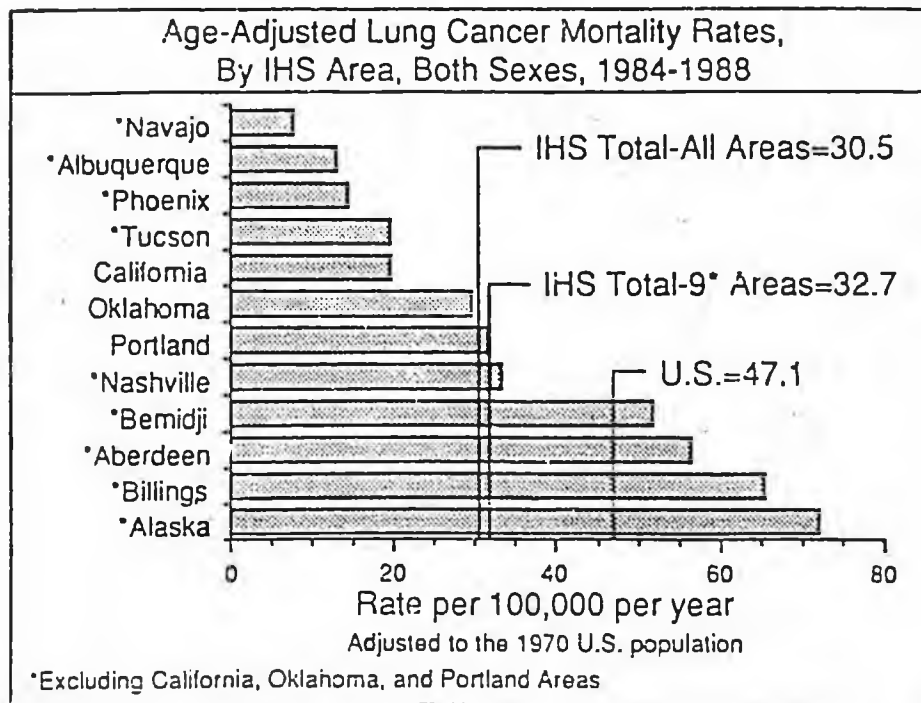
10 Reasons to Restrict Tobacco Vending Machines

1. Cancer-causing, addictive drugs should not be sold as if they were candy or sodapop.
2. No other dangerous, cancer-causing, addictive product or drug that is illegal for children to own is sold through vending machines.
3. More than thirty seven local governments in communities across the country have passed total bans on cigarette vending machines. Another seventy one communities, as well as the states of Hawaii and Utah, severely restrict the placement of tobacco vending machines.
4. Each day more than 3,000 minors start smoking — approximately one new teenage smoker every 30 seconds — more than one million new teenage smokers each year.
5. According to a survey of high school seniors, the average age for the first use of cigarettes is 13 years. Vending machines are an especially significant source for these youngest of new smokers.
6. Industry sponsored research has documented that teens who illegally buy cigarettes from vending machines find vending machines to be attractive because no one will stop them from buying cigarettes this way.
7. A survey of high school seniors found a strong correlation between those who were cigarette smokers and those who had used harder drugs. Non-smokers were found to be less likely to have used harder drugs.
8. Secretary of Health and Human Services Louis Sullivan and former Surgeon General Koop have called for total ban on cigarette vending machines.
9. The federal Department of Health and Human Services estimates that smoking related illness cost the nation about \$52 billion per year (about \$221 per capita) in health treatment and other costs.
10. In Alaska, it has been estimated that for just one year (1985) smoking-attributable deaths in Alaskans over age 20 represented 1,363 person-years of potential life lost with *direct* costs of \$52.8 million (hospital care, physician services, medication, etc.) and *indirect* morbidity and mortality costs of \$47.7 million — for just one year then, *total costs in excess of \$100 million.*

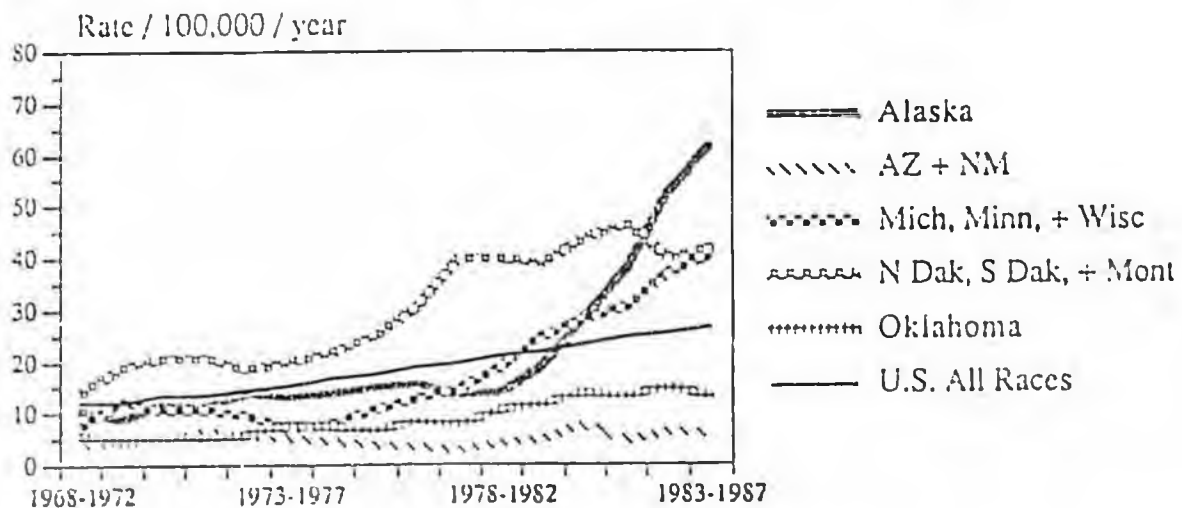
Alaska Cancer & Tobacco Use

"The data are disturbing, especially for Alaska. ... Cancer mortality rates for Alaska Natives *exceed* those of all other IHS areas, *and* the overall U.S. rate as well. ... This problem will get worse before it gets better. ... Clearly, the highest priority for cancer prevention and control must focus on reduction of tobacco use. "

— Dr. Anne P. Lanier, MD, MPH
Epidemiologist - Alaska Area Native Health Service



Age-Adjusted Lung Cancer Mortality Rates,
Native Americans in Selected States
Compared to U.S. All Races, Females, 1968-1987



Source: Sarah Valway, et al. *Cancer Mortality Among Native Americans in the United States: Regional Differences in Indian Health, 1964-1986, Trends Over Time, 1968-1987.*
Department of Health and Human Services, Public Health Service.

Study attributes 400,000 deaths to past smoking

By ROBERT BYRD
The Associated Press

ATLANTA — More Americans are quitting smoking, and more are dying — now more than 400,000 a year — as the habits of the 1950s and '60s take an increasing toll, federal health officials said Thursday.

The national Centers for Disease Control reported that 434,175 Americans died from smoking in 1988, up 11 percent from the 390,000 deaths attributed to smoking in a 1985 study.

Those numbers reflect a steady, deadly trend, CDC researchers said. Back in 1965, the calculated toll from smoking deaths was 188,000.

"The problem is, we are now paying for what happened 20, 30 years ago, when large numbers of people smoked in large amounts," said Dr. William Roper, director of the Atlanta-based CDC.

"Even though the percentage of Americans now smoking is lower than in the past, the burden of the past practice is coming clear."

That burden includes more than 100,000 annual deaths from lung cancer, the leading cause of smoking-related deaths, Roper noted. The CDC reported 111,985 smoking-related lung cancer deaths for 1988, up from 106,000 in 1985 and 38,100 in 1965.

"It takes 10, 20 years for the cancer caused by smoking to result," he said.

Smoking also resulted in 48,896 other cancer deaths,

such as mouth cancers and pancreatic cancer, in 1988; 201,002 deaths from cardiovascular diseases such as heart disease and arterial disease; and 82,857 deaths from respiratory diseases such as bronchitis and emphysema, among other causes.

The CDC also said 3,825 Americans' died from lung cancer caused by others' smoking, or passive smoke. But the CDC's statistical formulas do not yet include passive smoking deaths from heart diseases, which a recent study estimated at 37,000 a year.

Roper said health officials hope the increasing death toll from smoking will turn around, given recent trends toward stopping smoking.

CDC researchers estimate that about 29 percent of Americans smoke, down from 30 percent in 1985 and 40 percent in 1964, the year of the landmark surgeon general's warning against smoking.

"We've seen a reduction in smoking percentages for several years now, and I hope that by the year 2000 ... we're going to begin to see a decline in actual numbers of smoking-attributable illnesses and deaths," Roper said.

"But that's heavily dependent on behavior patterns right now, and we're anxious to get the message especially to young people, young women, who tend to be the largest percentage smokers."

"[The] atomic bomb ... dropped on Nagasaki destroyed the innermost portion of [the city] on August 9, 1945 ... 39,000 were killed outright and about 25,000 were injured."

— *The New Encyclopedia Britannica*
Volume 8, 15th Edition

Anchorage Daily News

Gerald E. Grilly
Publisher

Howard Weaver
Editor



Michael Carey, Editorial Page Editor

Patrick Dougherty, Managing Editor

Katherine Fanning, Editor and Publisher 1971 to 1983
Lawrence Fanning, Editor and Publisher 1967 to 1971

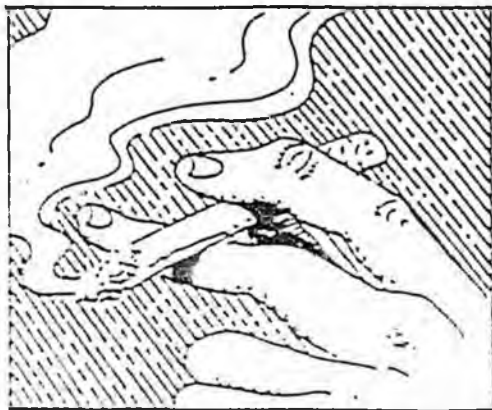
Founded in 1946 by Norman C. Brown

Young addicts

Crack down on vending machine drugs

How serious is this country about the war on drugs?

Not very. Not as long as a powerfully addictive drug is readily available to children who can scrape up a couple of dollars worth of change.



The drug is tobacco.

The addictive power of its active ingredient, nicotine, is in a class with heroin. Tobacco accounts for more preventable deaths than any other cause in this country, bar none. More than crack.

More than heroin. More than alcohol.

Most tobacco addicts start when they are young. They usually start long before they reach the legal age for smoking — long before they can make a truly "informed choice" to accept the risks of their deadly habit.

So why do we allow tobacco to be sold from vending machines that are accessible to children?

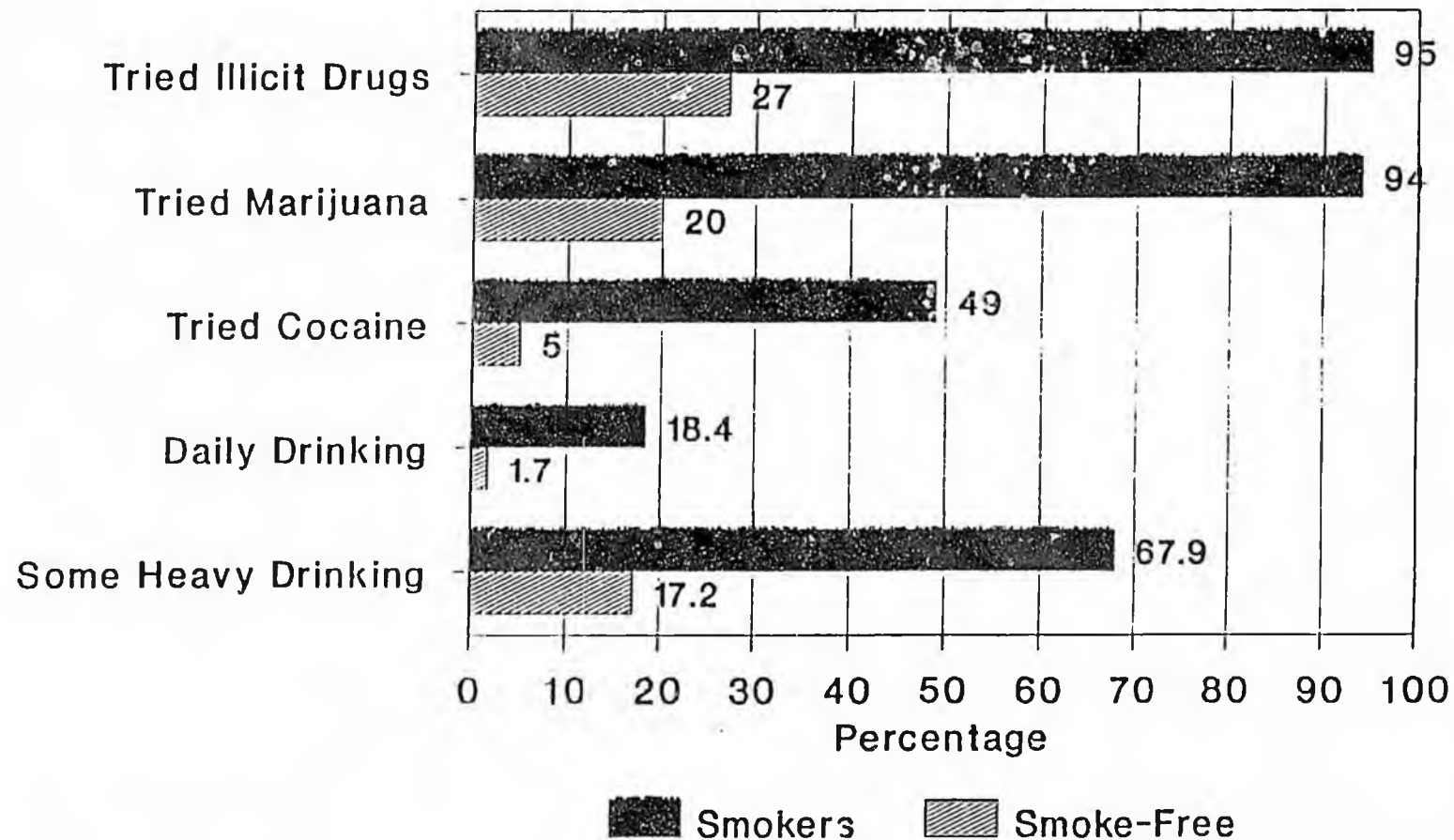
We shouldn't. And Alaska wouldn't — under a bill steered through the state House by Anchorage Rep. Ray Brown. It would ban cigarette machines except in bars and adult clubs, areas where minors are not allowed.

Swiftly passing HB84 is the least the legislature can do to protect children from our country's most deadly legal drug.

February 29, 1992

TOBACCO AS A GATEWAY DRUG

Percentage of High School Seniors Who
Have Tried Illicit Drugs and Alcohol
Smokers vs. Smoke-Free



Source: U.S. National Institute on Drug Abuse:
National Trends in Drug Use and Related Factors Among
American High School Students and Young Adults 1975-86

Smokefree Educational Services, New York City

Appendix I
The Extent and Consequences of
Teenage Smoking

Source: Teenage Smoking
General Accounting Office, HRD-89-119 (June 1989)

Teenagers who are unaware of the addictive nature of cigarettes or who underestimate the strength of a tobacco addiction may tend to experiment with smoking initially but, to their surprise, later become addicted. The 1974 and 1979 Teenage Smoking Surveys by the Department of Health, Education, and Welfare (predecessor of the Department of Health and Human Services) asked teenagers what the possibility was of them being cigarette smokers in 5 years; half of the regular smokers answered "definitely not" or "probably not." Surveys of young adult smokers suggest that, unfortunately, the teenagers' optimistic predictions tend to be wrong.

The linkage in the scientific literature of cigarette smoking to numerous illnesses and premature death has received wide publicity in the past two decades. The 1989 Surgeon General's Report states that about 390,000 deaths in 1985 were attributable to smoking. Smoking is considered to be the major cause of lung cancer—the leading cause of cancer death in men since the 1950s. Numerous other types of cancer are also attributed, at least in part, to cigarette smoking. In addition, smoking is a cause of coronary heart disease, cerebrovascular disease (stroke), chronic obstructive pulmonary disease (the permanent airflow blockage that smokers develop) and many other diseases. Finally, given the fact that cigarette smoking is associated with alcohol use by teenagers, it is significant that recent research suggests that cigarette smoking combined with the ingestion of alcohol may further increase the risk of cancer.

Smokers Harm
Nonsmokers' Health and
Economic Well-Being

Most of the severe health risks generated by smoking affect teenagers directly, but are usually manifested only in adulthood. Some of the health risks caused by teenagers smoking are borne, though, by nonsmokers. In particular, when teenagers who are parents smoke, they put their infants at greater risk. The prevalence of teenage pregnancy and teenagers as parents makes this a widespread problem.

Smoking by the mother during pregnancy has been linked to fetal and infant mortality. Low birthweight, often associated with mental retardation and other developmental and health problems, has been conclusively linked to the number of cigarettes smoked during pregnancy. Premature delivery, retardation in fetal growth, and diminished availability of oxygen to the fetus are also effects of smoking during pregnancy. The consequences of these problems may affect the child, often severely, throughout its lifetime. In addition, after a child is born, smoking by family members is likely to be harmful to the child. For example,



Smokefree Educational Services
Incorporated

375 South End Avenue, Suite 32F
New York, NY 10280

Joseph W. Cherner, President
Phone: (212) 912-0960
Fax: (212) 488-8911

**CIGARETTE VENDING MACHINES SELL CIGARETTES
TO CHILDREN, 11-15 YEARS OLD, 100% OF THE TIME**

Six children, ages 11-15, were able to buy cigarettes from 35 of 35 cigarette vending machines tested in Manhattan, Brooklyn, Queens, Staten Island, and the Bronx.

Over 25% of these vending machines were located in bars. Eleven and twelve year olds had no more difficulty buying cigarettes from vending machines in bars than they had buying cigarettes from vending machines in restaurants, pizza parlors, or video arcades. In all instances, the barman and/or patrons watched but did not intervene.

The 35 cigarette vending machines were located in the following establishments:

Restaurants	11	Hotel	1
Bars	8	Video Arcade	1
Pizza Parlors	5	Ice Cream Parlor	1
Supermarkets	4	Other	2
Bowling Alleys	2	Total	35

In one case, a restaurant employee ran after an 11 year old to tell him that he forgot his change. In another case, a gas station attendant told an 11 year old that they did not have a cigarette vending machine, but would have one next week. In almost all cases, adults watched but did not care.

No other dangerous product or drug, addictive product or drug, or cancer-causing product or drug is sold through vending machines. No other product or drug which is illegal to sell to children is sold through vending machines. Dangerous, addictive, cancer-causing drugs should not be sold like candy and soda pop. Cigarettes should not be sold in vending machines.