



State Senator Sheila Harsdorf

Date: October 10, 2017
To: Senate Committee on Agriculture, Small Business and Tourism
From: Senator Sheila Harsdorf
Re: Senate Bill 307 – Tobacco Product Placement

Dear Chair Mouton and Committee Members:

Thank you for holding a public hearing on Senate Bill 307 which would restrict the placement of tobacco products in retail establishments.

Since the 1964 Surgeon General's report concluded: "Cigarette smoking is a health hazard of sufficient importance in the United State to warrant appropriate remedial action," Wisconsin has worked to reduce the use and abuse of tobacco products by our youth and adults. Statistics reveal a continued downward trend in the rate of smoking by both high school students and adults. Adult smoking has dropped from 21% in 2011 to an all-time low of 17% today while the high school smoking rate has dropped more than 50% since 2004 to 8.1% today. It is estimated that \$1.4 billion in health care spending is saved just on the reduced rate of smoking by adults.

The Department of Health Services estimates 7300 lives are lost annually due to tobacco usage with annual health care costs at \$3 billion. Health and economic effects of tobacco use in Wisconsin impacts all of us.

Currently, only cigarettes are required to be behind the counter and many retailers have already chosen to voluntarily place all tobacco products behind the counter. Senate Bill 307 would require a retailer to place all tobacco and nicotine products in locations that are inaccessible to customers, including behind the counter or in a locked case. This legislation does not apply to products sold from vending machines.

Senate Amendment 1 to Senate Bill 307, which I authored after hearing from stakeholders, makes two changes to the bill. First, the amendment would exempt a retail location that receives 75% or more of their revenue from sales of cigarettes, nicotine products, or tobacco products as long as no person younger than 18 is permitted in the store unaccompanied by a parent, guardian or spouse who is 18. Secondly, the amendment includes the use of video surveillance to observe tobacco products within a retail establishment.

Tobacco use leads our state in preventable deaths and significantly increases health care costs as well as loss of productivity. I believe Senate Bill 307 will help in our ongoing efforts to reduce tobacco use in our state.

Thank you again for holding a public hearing on SB 307. I appreciate your consideration and encourage passage of this legislation.

Good morning Chairman Moulton and members of the Senate committee,

Thank you for allowing me to testify before you today. My name is Luke Younggren and I'm speaking on behalf of ACS CAN. I lost my wife and mother of our children, Maggie, to metastatic breast cancer last August. She had just celebrated her 40th birthday and was less than 16 months removed from being told she was cancer free. Maggie was an inspiration to hundreds who knew her, not merely in her battle with cancer but in the way she **lived** her life, before cancer and after diagnosis. She was passionate, kind, incredibly intelligent, articulate, and funny. We lost Maggie far, far too soon and the pain and sadness resonates with everyone she knew, every day. We're losing people to cancer because we don't have a cure, and to date our research efforts have been outpaced by cancer's immense and horrifying intelligence.

Maggie lived a healthy, active life. We have no knowledge of how or if her cancer could have been prevented. But, we do know that tobacco is the number one cause of cancer. I have two daughters, Nora who is 5 years old and McKinley, who is 7. As their sole parent, I am doing my best to raise and protect them, and help educate them on how to protect themselves as well. The last thing I should have to worry about is my daughters being targets of the tobacco companies.

As an advocate for the American Cancer Society Cancer Action Network, I am disturbed that there are currently tobacco products placed among the snacks and candy at convenience stores throughout Wisconsin. There is zero logic to this other than to target children to get them addicted to these products. We put cigarettes and smokeless tobacco behind the counter, so why aren't ALL tobacco products behind the counter? These other products, such as little cigars, are much cheaper and often candy-flavored to appeal to children.

I already lost my wife to cancer, and I will do everything as a parent to educate and protect my girls from tobacco products. I just ask that you do your part as lawmakers and put ALL tobacco products behind the counter by voting yes on SB307.

Luke Younggren
Oregon, WI

Chairman Moulton and members of the committee, thank you for allowing me to speak to you today. My name is Kirby Davidson and I live in Sun Prairie, Wisconsin.

February 19th is a day that will always stand out in my mind. It was the day my son, Ryan, was born, and it's also the same day that he passed away. After a 10-year battle with brain cancer, Ryan finally succumbed to the disease on his 16th birthday. It was the most difficult day of my life. I will always remember that I was there with my wife when Ryan took his first breath, and there by his bedside when he took his last.

Ryan was, and always will be, my friend and hero. I miss him every minute of every day. But, somehow, I know that he is always with me and this memorial bracelet on my wrist is my constant reminder that we will, as Ryan always said, Fight On!

The doctors never knew the cause of Ryan's cancer. However, medical research has proven that tobacco is the number one cause of cancer deaths. Tobacco is a known carcinogen, and causes 13 types of cancer. So, when we know for a fact that tobacco is a cancer-causing agent, then why in the world would we not do everything possible to keep it out of the hands of our children? Knowing as we do that these products are targeted at children to get them hooked before adulthood, why would we let them be placed within children's reach? To me, that's just disgraceful and of great concern.

As I said at the beginning, Ryan battled cancer and lived to see his 16th birthday. We never knew what caused Ryan's brain cancer and we'll fight for medical research to continue, but when we have the research to know that tobacco is a leading cause of cancer, that it is the leading cause of cancer death, we must do all we can to make sure kids never start smoking. I urge all of you to do the right thing by voting yes on SB307 to make sure that the next child and the child after that never have to hear the words...you have cancer. Please vote yes on SB 307 to put ALL tobacco products behind the counter.

Thank you.

Kirby Davidson
Sun Prairie, WI

Chairman Moulton
Agriculture, Small Business and Tourism Committee
Public Hearing, SB 307



October 10, 2017

Good morning Chairman Moulton and distinguished members of the Agriculture, Small Business and Tourism committee.

Thank you for the opportunity to speak with you today about a critical step we can take in protecting Wisconsin kids from tobacco.

My name is Sara Sahli, Wisconsin Director for the American Cancer Society Cancer Action Network. ACS CAN is an evidence-based organization that convenes scientists, researchers, medical providers and patients to work to save lives and eliminate death and suffering from cancer. We are a nonpartisan, non-profit membership organization. I want to recognize and thank Sen. Harsdorf as the lead sponsor and others on this committee who are among 41 bi-partisan cosponsors for SB 307.

In May of 2016, we had more than 100 volunteers from across the state come to Madison to advocate for Senate Bill 307. We also have a memo of support from over 20 health organizations here in Wisconsin.

ACS CAN believes that all tobacco products should be behind the counter, because this limits their accessibility to youth. Senate Bill 307 addresses store placement of tobacco products. Current law requires cigarettes to be sold from behind a store counter, but other tobacco products such as little cigars, cigarillos and e-cigarette liquid can be sold in front of the counter or on the store floor. The placement increases their visibility to young users, who are attracted to their fun colors and candy flavors.

Strategic placement of tobacco products is an integral component of tobacco industry marketing.ⁱ In fact, in 2013 the tobacco industry spent \$291 million in promotional allowances to tobacco retailers for the strategic placement and shelving of tobacco products.ⁱⁱ

Tobacco use remains the single largest preventable cause of disease and premature death in the United States. A statistic that deeply concerns us is that 8.1 percent of Wisconsin high school students smoke.ⁱⁱⁱ In fact, every year, 2,900 kids under 18 become new daily smokers in Wisconsin.^{iv}

Additionally, we have seen a significant increase in the use of other tobacco products. 13.3 percent of Wisconsin high school students use e-cigarettes and 9.1 percent of our male high school students smoke cigars.^v We must reverse this trend.

This is a serious problem that has a common-sense solution. The same logic that explains why we don't want children to browse cigarettes should apply to all tobacco products. Many other tobacco products that are currently not required to be behind a counter come in flavors that are attractive to young people including chocolate, cotton candy, and cherry. Behind the counter is the right place for all tobacco products. We ask you to fully support Senate Bill 307 to protect Wisconsin kids.

As I stated earlier, we are an evidence based organization that can provide many statistics, however I think the stories of our volunteers who want to protect kids can provide the real story of why SB307 is so important. I want to call your attention to three documents of written testimony submitted yesterday by ACS CAN volunteers and you will have the opportunity to hear from some of our advocates in person today.

I urge you to please vote yes on SB 307.

Thank you, Chairman, and members for your time.

ⁱ Countertobacco.org. Restricting Product Availability, Placement, and Packaging. <http://countertobacco.org/policy/restricting-product-availability-placement-and-packaging/>

ⁱⁱ Countertobacco.org. Restricting Product Availability, Placement, and Packaging. <http://countertobacco.org/policy/restricting-product-availability-placement-and-packaging/>

ⁱⁱⁱ Centers for Disease Control and Prevention. State Tobacco Activities and Evaluation (STATE) System Highlights Report. <http://apps.nccd.cdc.gov/statesystem/HighlightReport/HighlightReport.aspx>

^{iv} Campaign for Tobacco-Free Kids. The Toll of Tobacco in Wisconsin. Updated September 18, 2017.

^v Campaign for Tobacco-Free Kids. The Toll of Tobacco in Wisconsin. Updated September 18, 2017.

Dear Chairman Moulton and members of the Agriculture, Small Business, and Tourism Committee,

I was hoping to be testify in person tomorrow, but due to a work commitment, I am unable to attend in person. Please accept my written testimony. My name is Jess Owens. I have been an advocate for ACS CAN for many years. I have worked with young people and professionals to educate them about how to live a healthy life.

I also know that it's not always easy to achieve health and wellness, and sometimes a person is not able to control all of the issues they may face throughout their lifetime. I know this, because I have seen it first-hand. My mom is a breast cancer survivor, and has also been a smoker for over 40 years. She could not control the fact that she got breast cancer as many women in her family have dealt with the disease, and while we believe that she can control her urge to smoke, the addiction has proven extremely difficult to kick. Like so many others, my mom began smoking in her teenage years and made unsuccessful attempts to quit ever since. Throughout her cancer treatment she just could not completely stop even though she wanted to. For her, because she had been introduced to tobacco at a young age, it became too difficult to quit as she grew older even with her health issues.

My mother's story is common. Every year in Wisconsin 2,900 kids under the age of 18 become daily smokers. Nearly **90 percent** of adult smokers began smoking before age 18.

In February, she will become a first-time grandmother. As an expectant mother, I have many concerns about the challenges my son will face someday, and tobacco is absolutely one of them. The colorful packaging and candy-like flavors that tobacco products have today make it extremely hard to distinguish between harmful products and treats. Until ALL tobacco products are put behind the counter where they can be monitored, no child is safe from the temptation to explore them.

I hope that I never see my child using tobacco products. But, until all of them are put behind the counter and out of reach of children I will continue to worry about the future and health of our youth. With so many health issues to be concerned about these days, we should be doing everything we can to make positive changes that will directly influence a tobacco free generation, especially things that can have a quick impact, like moving tobacco products behind the counter.

For my mom and for my son, I encourage you to vote yes on SB307 to protect our children and future generations.

Sincerely,
Jess Owens
Cudahy, WI

To: The honorable Senators Moulton and Tiffany and members of the Senate committee on
Agriculture, Small Business and Tourism

From: Debbi DeGarmo

Re: SB307

As an advocate for the American Cancer Society Cancer Action Network and the mother of three young children, I am appalled that flavored tobacco products are currently placed near the candy aisles and are priced lower than a Subway sandwich in Wisconsin. My oldest son turned 13 this year, and peer pressure is a big concern as his mother.

I have worked in healthcare for my entire career, and I have seen the devastation smoking brings across a wide array of our population. I could go into statistics about the enormous amount of money spent on smoking related illness, and the impact that has on our struggling health care system. Instead, I will ask you to please vote yes on SB307 and place ALL tobacco products behind the counter where they belong, especially ones that target my children. I would much rather focus on things like homework and acne treatment, than worry about my youngsters becoming addicted to candy-flavored tobacco and the scary gateway that follows.

Respectfully,

Debbi DeGarmo, Chaseburg, WI

To: The Honorable Senators Moulton and Tiffany and members of the Senate committee on Agriculture, Small Business and Tourism

From: Heather Adler

Re: SB307

Heather Adler:

As an advocate for the American Cancer Society Cancer Action Network and the mother of four young children, one of whom is a cancer survivor, I am deeply concerned that flavored tobacco products are currently placed near the candy aisles in Wisconsin.

My daughter Abby was diagnosed with an ocular cancer when she was 4-years-old. She is doing great and is now a teenager. There are many dangers for kids these days, and I do all I can to protect my kids. Preventing tobacco use is one of my top concerns. My children have grown up in Wisconsin where they never see someone smoke in a restaurant or at work. That social impact is huge. It's no longer the norm to see people smoking. But it is the norm in Wisconsin to see these products everywhere. I don't smoke, so I wasn't really aware of where these products are placed until I learned about it from ACS CAN. I really didn't go into convenience stores. It never dawned on me that they might be within my kids reach. I pull up for gas and my kids want a treat, so they go in a grab one. I was shocked and appalled to learn that not all tobacco products are behind the counter. This seems like basic common sense.

Since for some people it isn't common sense, I have to write you and ask you today put all tobacco products behind the counter. There are currently tobacco products placed among the snacks and candy at convenience stores throughout Wisconsin. If we can put cigarettes and smokeless tobacco behind the counter because we recognize we should be protecting kids, then ALL tobacco products should be behind the counter.

As the mother of a childhood cancer survivor, I never want any parent to have to go through what I did. And if we can do this one thing and it helps parents protect their kids, and prevents kids from starting smoking, then we must do it immediately.

Please vote yes on SB307 and put all tobacco products behind the counter.

Thank you.

Respectfully,

Heather Adler, Marshfield, WI