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The Colorado Tobacco Prevention Blueprint: Six steps to protect kids and families

Tobacco products, vaping products, and e-cigarettes continue to put Coloradans at risk. Tobacco is responsible for the deaths of at least 5,100 of our state's citizens annually. Thousands more suffer from illnesses and poor health brought on by their use of tobacco or exposure to secondhand smoke. This costs the state over \$2 billion each year in direct health care costs and lost productivity. Taxpayers bear much of the brunt of these costs to the tune of roughly \$855 per Colorado household per year.

Coloradans deserve tobacco and vaping policies that protect public health. Key changes in state law can reduce the burden that tobacco and vaping place on our state. We recommend the General Assembly pass legislation and, where necessary, refer measures to the voters to implement the following changes in tobacco policy.

- 1. Extend the existing excise tax on tobacco products to vaping products and e-cigarettes, or impose a fee on these products.** - In order to combat youth use of tobacco and vaping products, we need to ensure that vaping products are taxed in a similar manner to other tobacco products and that Colorado's prices do not lag behind the rest of the nation. Colorado currently imposes an excise tax of 40 percent of the manufacturer's price on non-cigarette tobacco products but this tax does not apply to e-cigarettes, vaping devices, and vaping liquids, making these products particularly attractive. Higher prices are one of the most effective public health tools in discouraging tobacco use and youth are particularly sensitive to price increases. Youth are less likely to experiment with tobacco and delay or forego purchasing tobacco completely as the price goes up. Studies show a 10 percent increase in price per pack results in a five to 15 percent decrease in smoking among youth and a three to seven percent decrease in smoking among adults. Studies also indicate that price increase in vaping products have a similar effect. Extending this existing tax to these products will protect public health and lead to declines in youth e-cigarette use.
- 2. Require all retailers of tobacco products, vaping products, and e-cigarettes to be licensed** - Colorado licenses retailers of other age restricted products, like marijuana and alcohol. Licensure can protect kids from the harmful effects of these products by allowing local licensing authorities and the state to hold those who sell these products to kids accountable. Without a statewide license for tobacco retailers, tobacco retailers who sell to minors cannot be held accountable in the same way and can continue to sell tobacco and vaping products even after violating Colorado law. The 11 local communities in Colorado with some form of a license illegally sell to minors



less often than communities without a license. The City of Fountain has had zero violations of their non-cigarette tobacco retail license for more than two years.

3. **Require internet retailers who sell vaping products to implement age verification procedures, billing and shipping address matching, and the use of mail carriers that offer point-of delivery age verification** - Colorado law prohibits vaping products from being sold to minors. Federal law also requires that mail carriers must verify the age of individuals receiving packages of tobacco products. However, this federal requirement does not apply to e-cigarette and vaping products making it possible for youth in Colorado to obtain these products without an age check. Nearly 20 percent of high school students report getting e-cigarettes from the internet or mail compared with just seven percent of high school students who got cigarettes the same way. No retailer should be able circumvent Colorado's protections simply by selling products online.
4. **Update the Colorado Clean Indoor Air Act (CCIAA) to restrict the use of e-cigarettes in public places where cigarette and marijuana use is already prohibited.** "Vapor" from e-cigarettes and vaping products is not harmless. It contains nicotine, which is harmful to the developing brain, as well as cancer causing chemicals and heavy metals, such as lead. Bystanders breathe in these chemicals. The Colorado Clean Indoor Air Act (CCIAA) has protected millions of Colorado workers, residents, and visitors from dangerous health effects of secondhand smoke exposure. Coloradans were more likely to make a smoke-free rule for their home following the law. It also encouraged many people who smoked to cut back or quit. By 2014, approximately 100,000 fewer adults smoked than did before public smoking restrictions took effect.
5. **Raise the minimum sales age for tobacco and e-cigarette products to 21 years of age** - Coloradans must be 21 years of age to purchase alcohol or marijuana but only 18 to purchase tobacco and vaping products. However, the toll that tobacco places on the citizens of Colorado is equal to or exceeds the toll from these other products. Raising the minimum legal sales age of tobacco and vaping products to 21 will help to reduce youth access to tobacco products and delay tobacco initiation. It also help prevent youth who do experiment with tobacco and nicotine from becoming regular, daily users. Research shows these laws are a promising strategy to avert low birth weight, preterm births and prevent chronic diseases associated with tobacco use. In Colorado, Aspen, Basalt, and Avon have raised the purchasing age to 21. Six states, including California, New Jersey, Massachusetts, Oregon, Hawaii and Maine, and at least 350 localities, including New York City, Chicago, San Antonio, Boston, Cleveland, Minneapolis, and both Kansas Cities, have raised the tobacco age to 21. In California, illegal sales to youth under age were cut nearly in half after their law was implemented. California's minimum purchase law is accompanied by a strong statewide retailer licensing law and education system.
6. **Prohibit the sale of flavored tobacco and vaping products Colorado** - Flavored tobacco and vaping products are particularly attractive to youth. Flavored cigarettes were banned in 2009 because Congress knew the risks of these products to youth and public health far outweighed any benefits. E-cigarettes come in flavors like gummy bear, cotton candy, and fruit punch, and 81 percent of youth who vape do so because they come in flavors that appeal to children. Eighty percent of youth who try tobacco start with a flavored product.