



# Tobacco Control Policy at the State Level

## Progress and Challenges

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Washington, DC  
June 11, 2012



# The Tools of Tobacco Control

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- **Tobacco Taxes**
- **Smoke-free Laws**
- **Comprehensive Prevention & Cessation Programs**
- **Coverage for Smoking Cessation Services**
- **Limits on Industry Behavior (e.g., FDA)**

## **TO BRING ABOUT**

- **Social & Environmental Change**

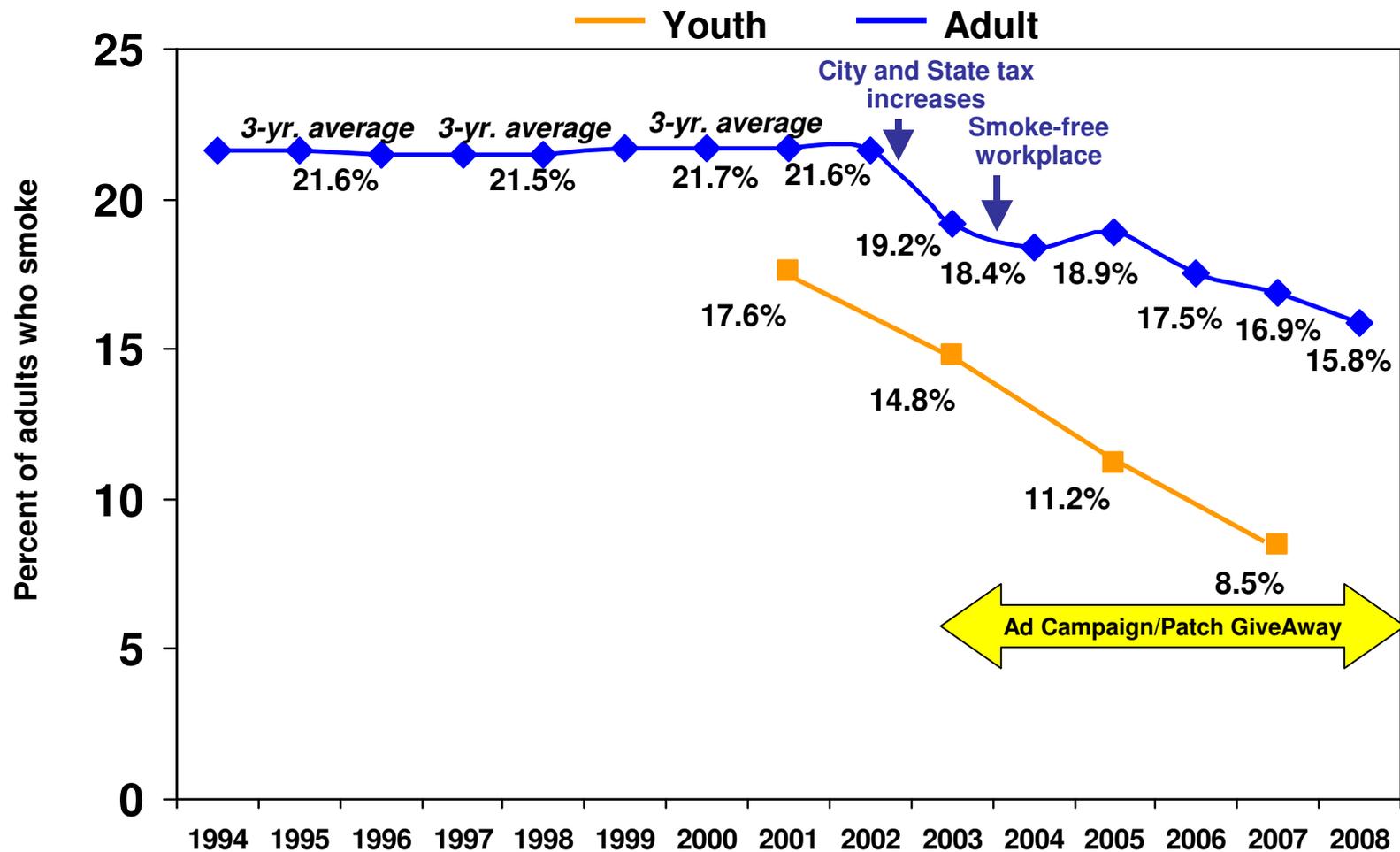


**Reduced Tobacco Use**

# THE STATE TRIFECTA



# Impact of the Trifecta: Adult and Youth Smoking Prevalence in New York City



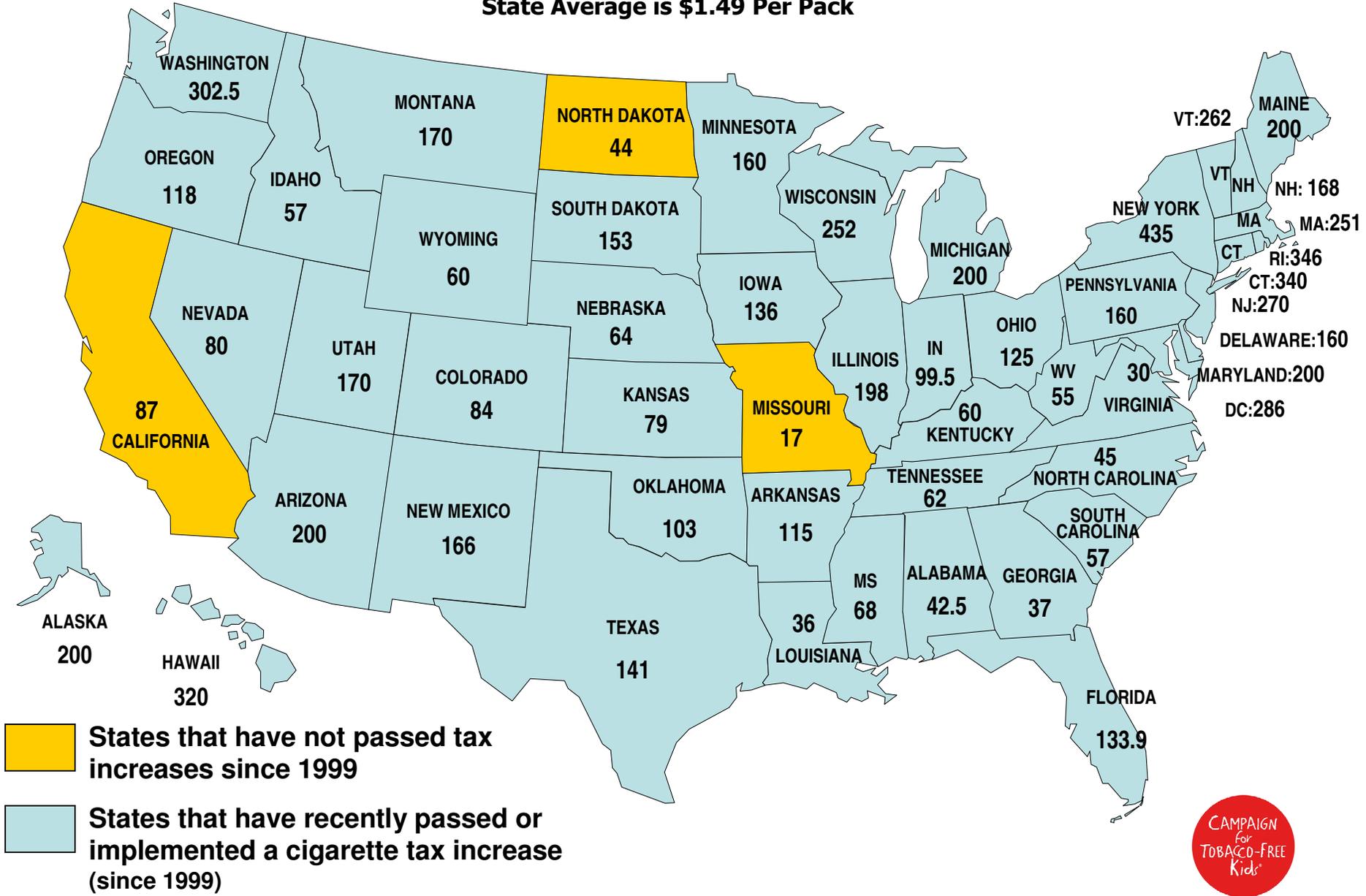
Source: CDC. Decline in Smoking Prevalence -- New York City, 2002—2006. MMWR. 2007. 56(24);604-608; and New York City Department of Health and Mental Hygiene.

# **Policy and Program Progress**

# Cigarette Tax Rates

(cents per pack)

State Average is \$1.49 Per Pack

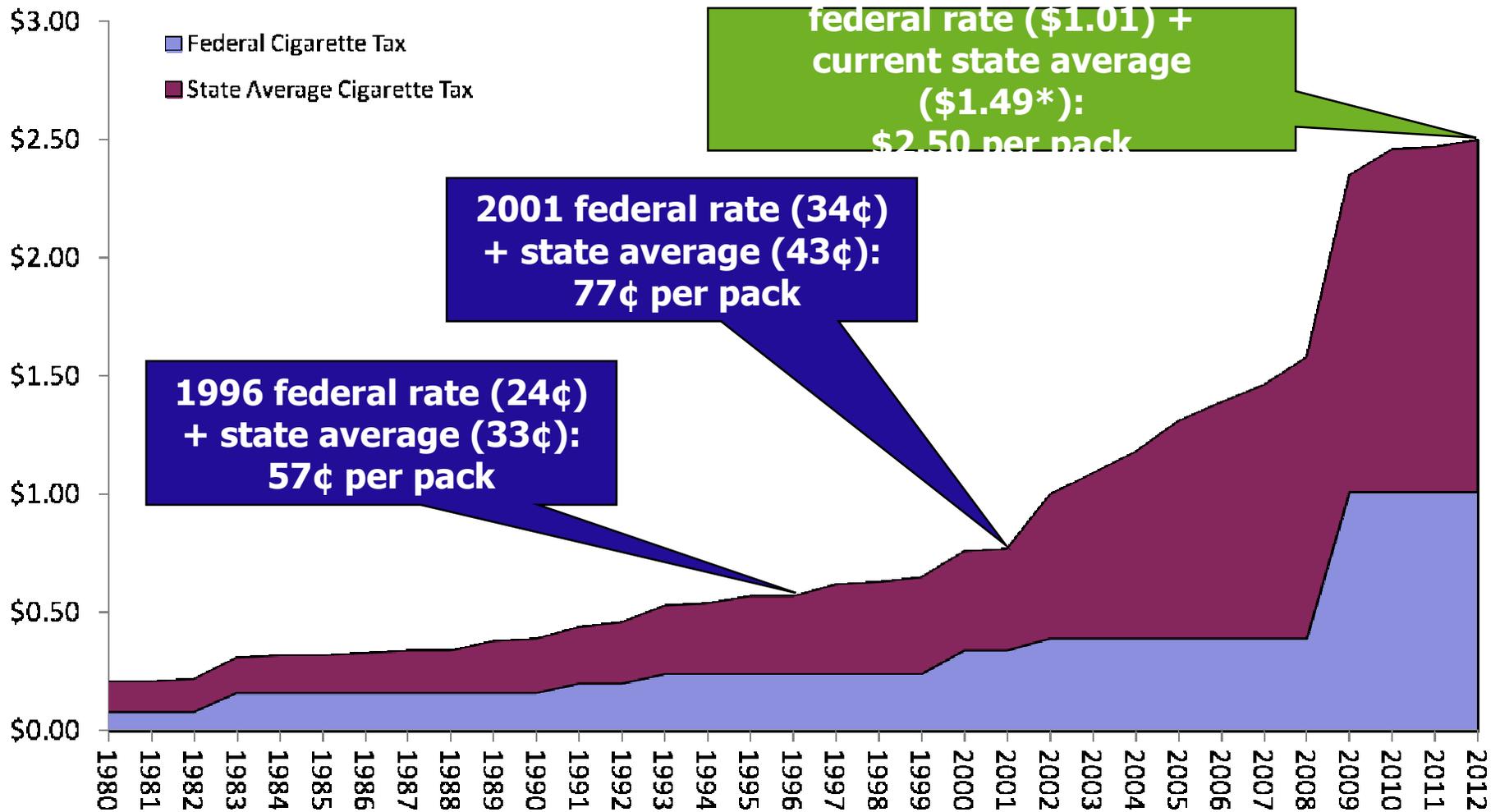


- States that have not passed tax increases since 1999
- States that have recently passed or implemented a cigarette tax increase (since 1999)



June, 2012

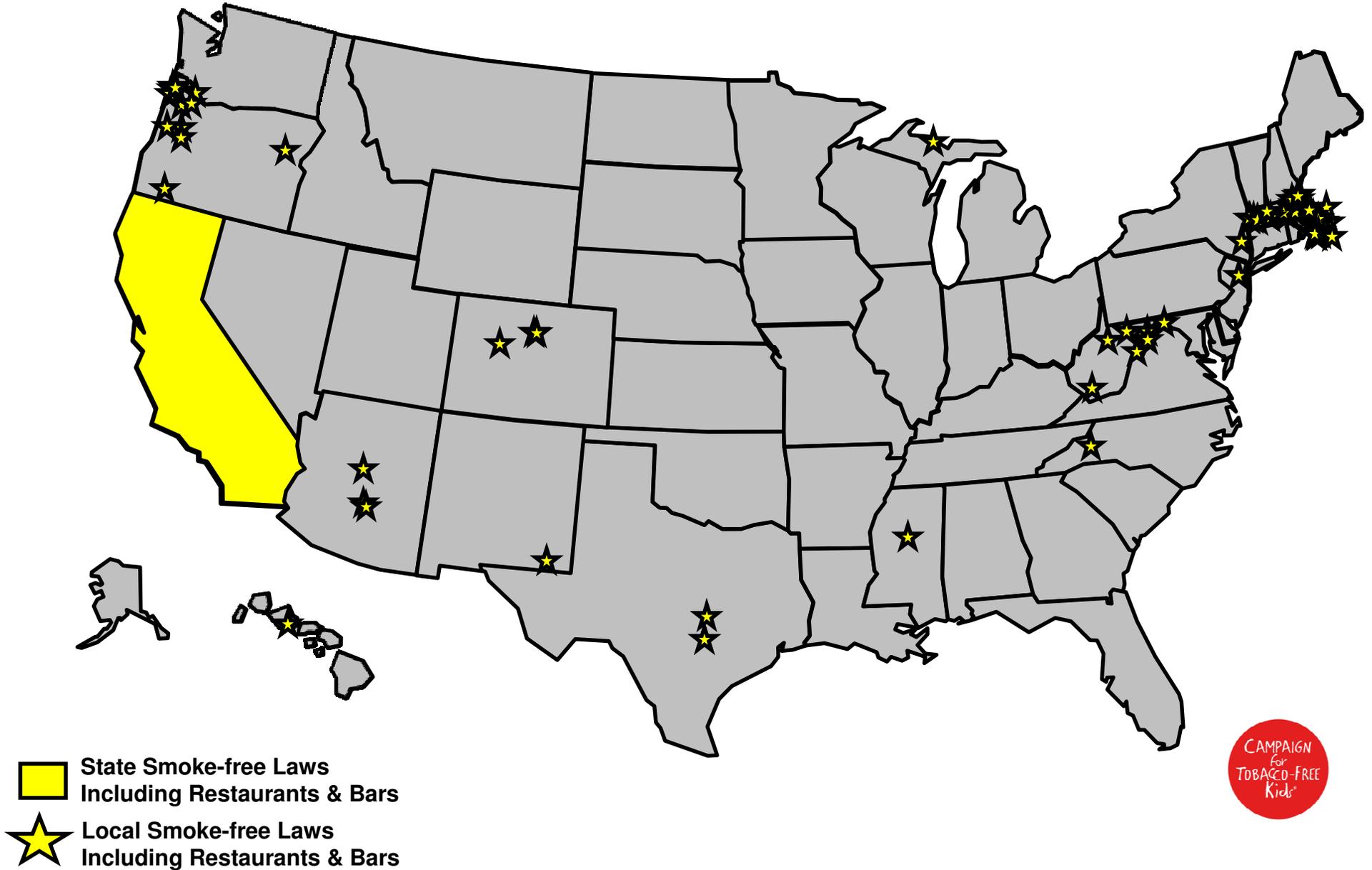
# Federal Cigarette Excise Tax + Average State Cigarette Tax



\* Includes Illinois's \$1.00 per pack increase effective June 24, 2012, which is waiting for the governor's signature.

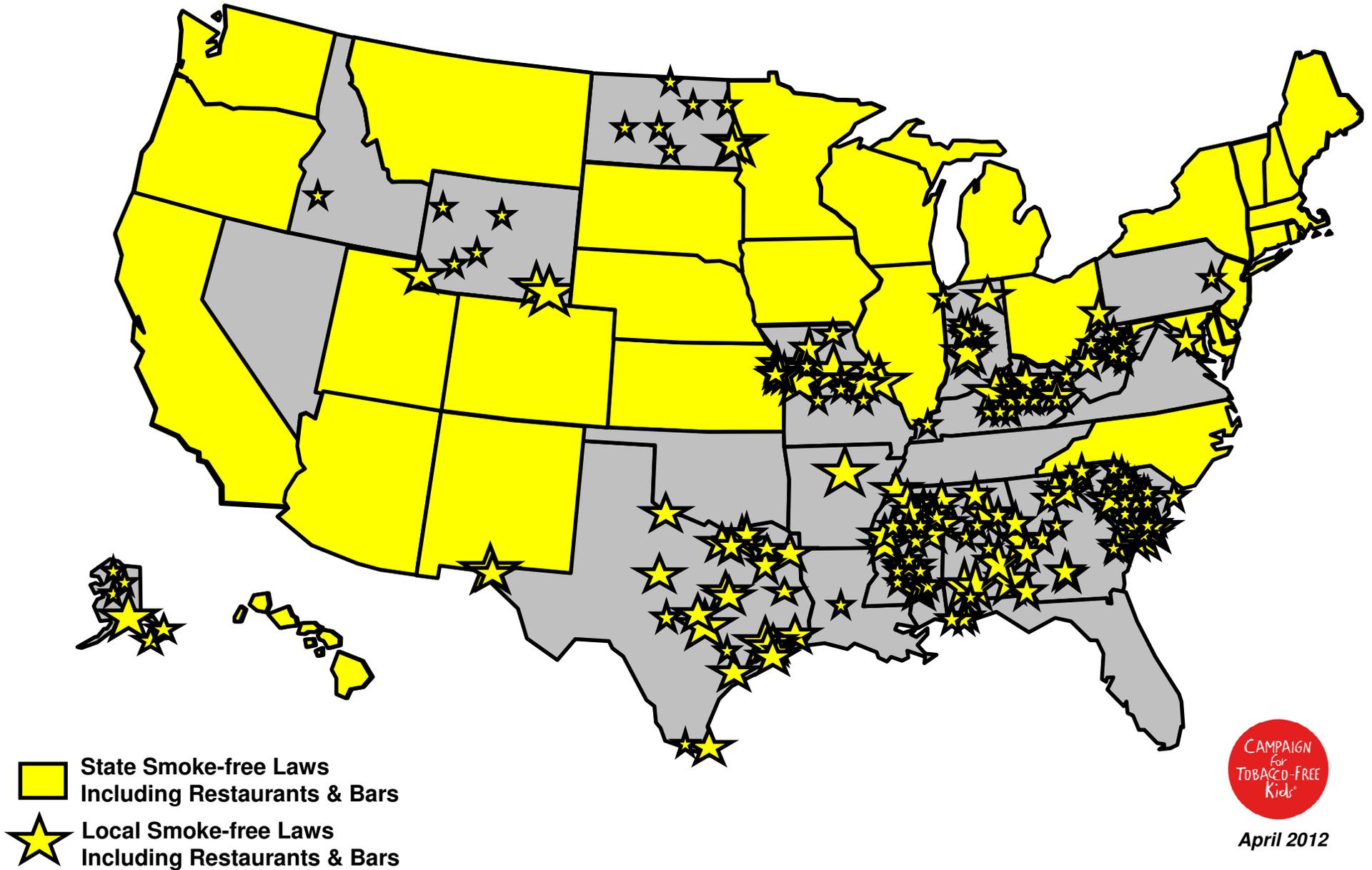
# Smoke-Free Restaurant and Bar Laws (2002)

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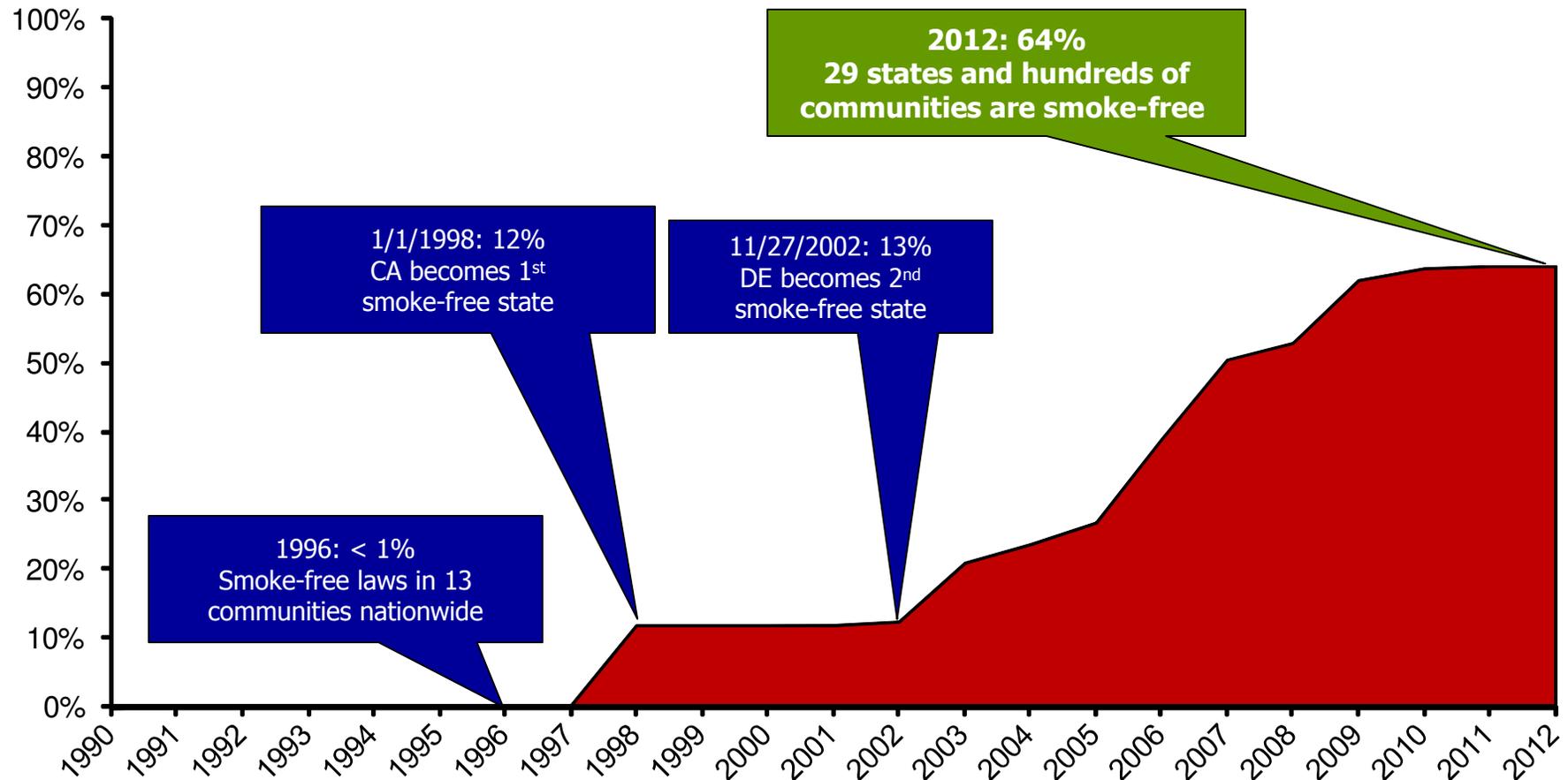
# Smoke-Free Restaurant and Bar Laws (2012)

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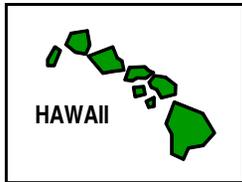
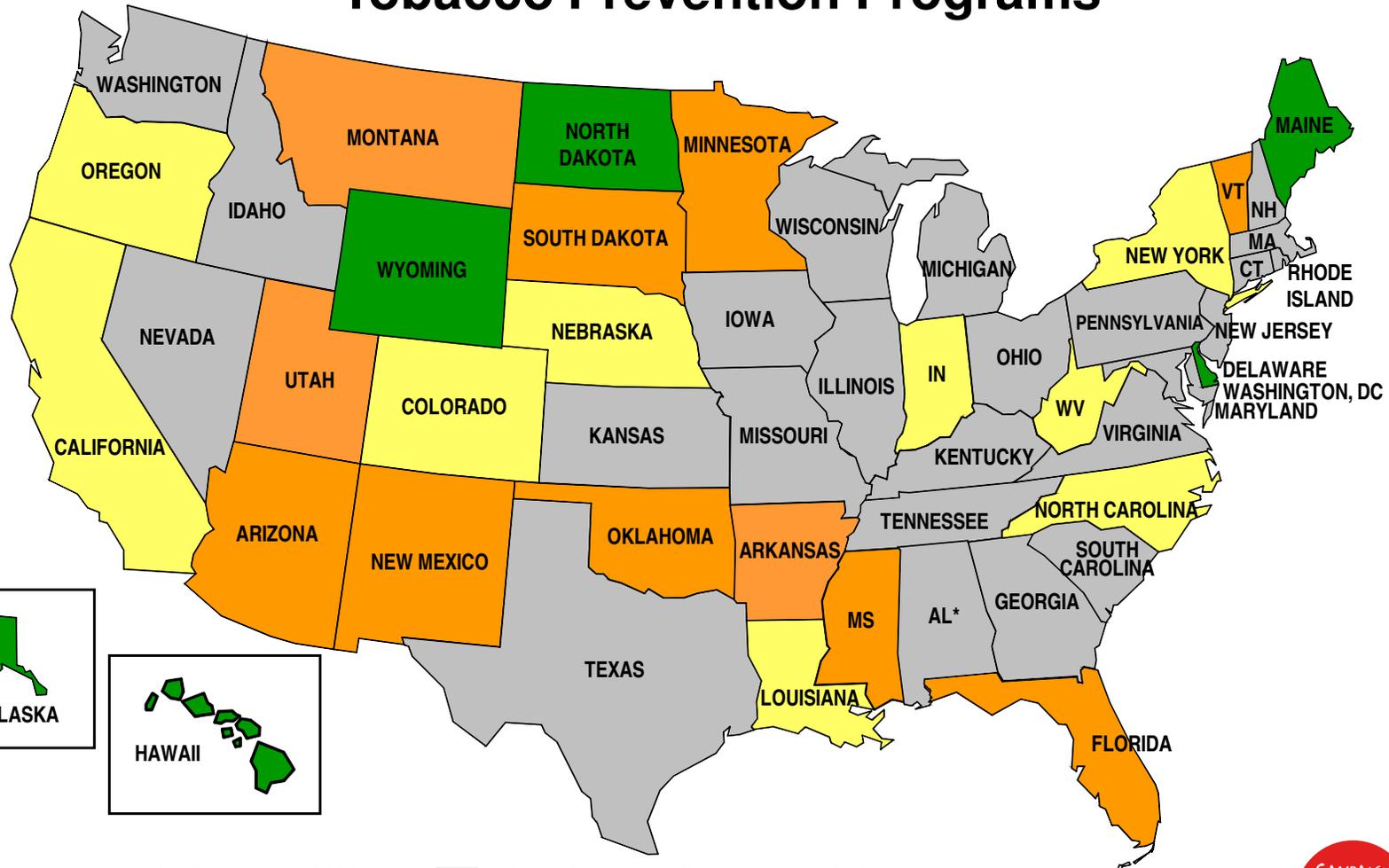
April 2012

# Percent of Population Covered By Smoke-Free Laws (Including Bars)



Includes state and local laws passed by January 2012

# FY2012 Funding for State Tobacco Prevention Programs

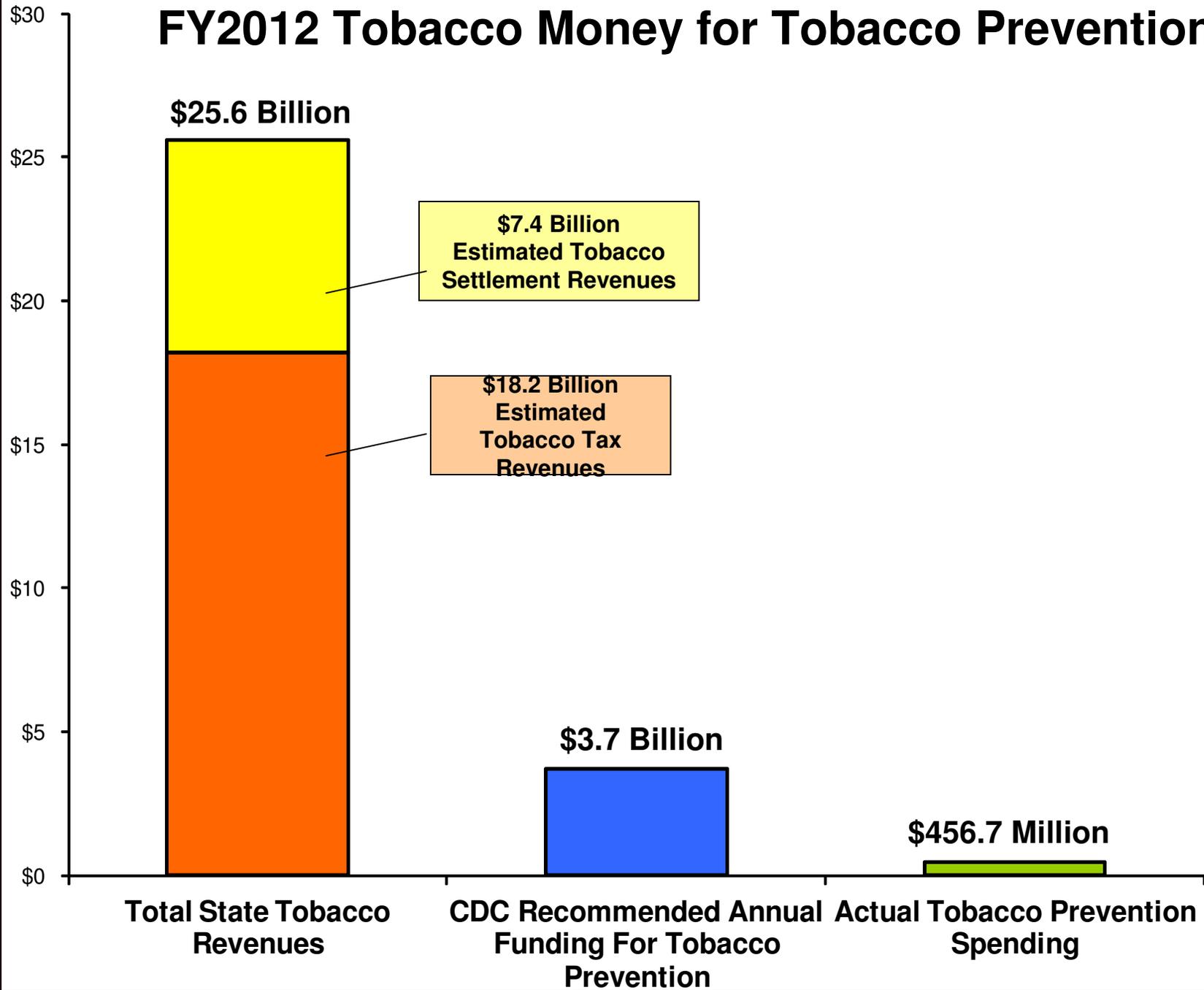


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|--|--|
|  States that are spending 50% or more of CDC recommendation on tobacco prevention programs. |  States that are spending 10% - 24% of CDC recommendation on tobacco prevention programs.     |
|  States that are spending 25% - 49% of CDC recommendation on tobacco prevention programs.   |  States that are spending less than 10% of CDC recommendation on tobacco prevention programs. |

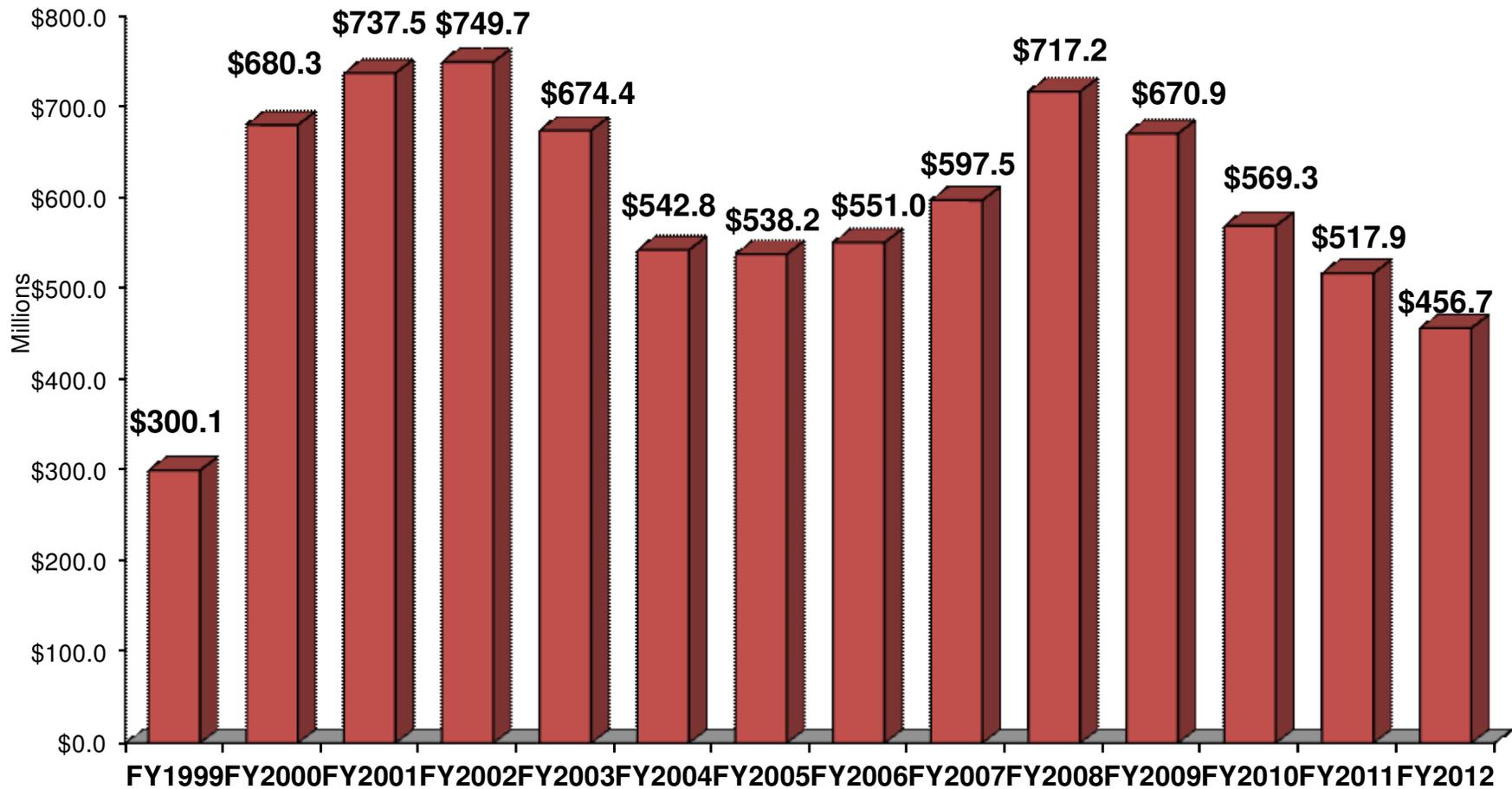
\*Alabama's tobacco control prevention program budget for FY2012 was not available when this report went to press. In FY2011, Alabama budgeted \$860,000, which is just 1.5 percent of the CDC's recommendation.



# FY2012 Tobacco Money for Tobacco Prevention



# State Tobacco Prevention Spending, FY1999 - FY2012



Only 3 states – AZ, CA and MA - spent any money on tobacco prevention prior to 1999. Settlement payments to states began in 1999. All states were receiving payments by 2001. Funding amounts only include state funds



# State Cessation Coverage

(American Lung Association)

- Six states cover a comprehensive tobacco cessation benefit for all Medicaid enrollees
- Two states do not cover any tobacco cessation treatments for all Medicaid enrollees
- Five states cover a comprehensive tobacco cessation benefit for all state employees
- Two states do not cover any tobacco cessation treatments for state employees
- Nine states require private insurance plans to cover tobacco cessation treatments
- Four states invest in quitlines at or above the national minimum standard



# Affordable Care Act

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- Medicaid Coverage for Pregnant Women
- Essential Benefits Package for Exchanges and Other Plans (has been left to states to define)
- New Provider Organizations May Provide Opportunities

# DEADLY ALLIANCE



March 5, 2012

How Big Tobacco and Convenience Stores Partner to Market Tobacco Products and Fight Life-Saving Policies





# Innovative State & Local Policies

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**Affect Availability, Attractiveness, Affordability at the Point of Sale (POS)**

- **Licensing, Display Bans (Havestraw NY)**
- **Warning Signs at POS (NYC), Flavor Bans (NYC, Providence)**
- **Marketing Restrictions (1<sup>st</sup> Amendment Issues)**
  - Time, Place, Manner of Marketing
- **Pack Size Restrictions (OTP)**
- **Coupon and Discounting Bans (Providence)**
- **Minimum Price Laws**



# Innovative Policies

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- A complement to the tried and true
- Need evidence; states and locals can be labs
- Need to be carefully written expecting legal challenges
- Must be prepared for litigation and have resources
- Be strategic



# Why Has Progress Slowed

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- Our Success
  - View that problem is solved
  - Fewer places to work on some issues, and those are harder
- State Budgets
  - Explains funding
  - Should have led to more taxes
- Changed Political Environment
  - Anti-government; Anti-spending
  - Industry taking advantage
- Diminished Advocacy Resources on Ground

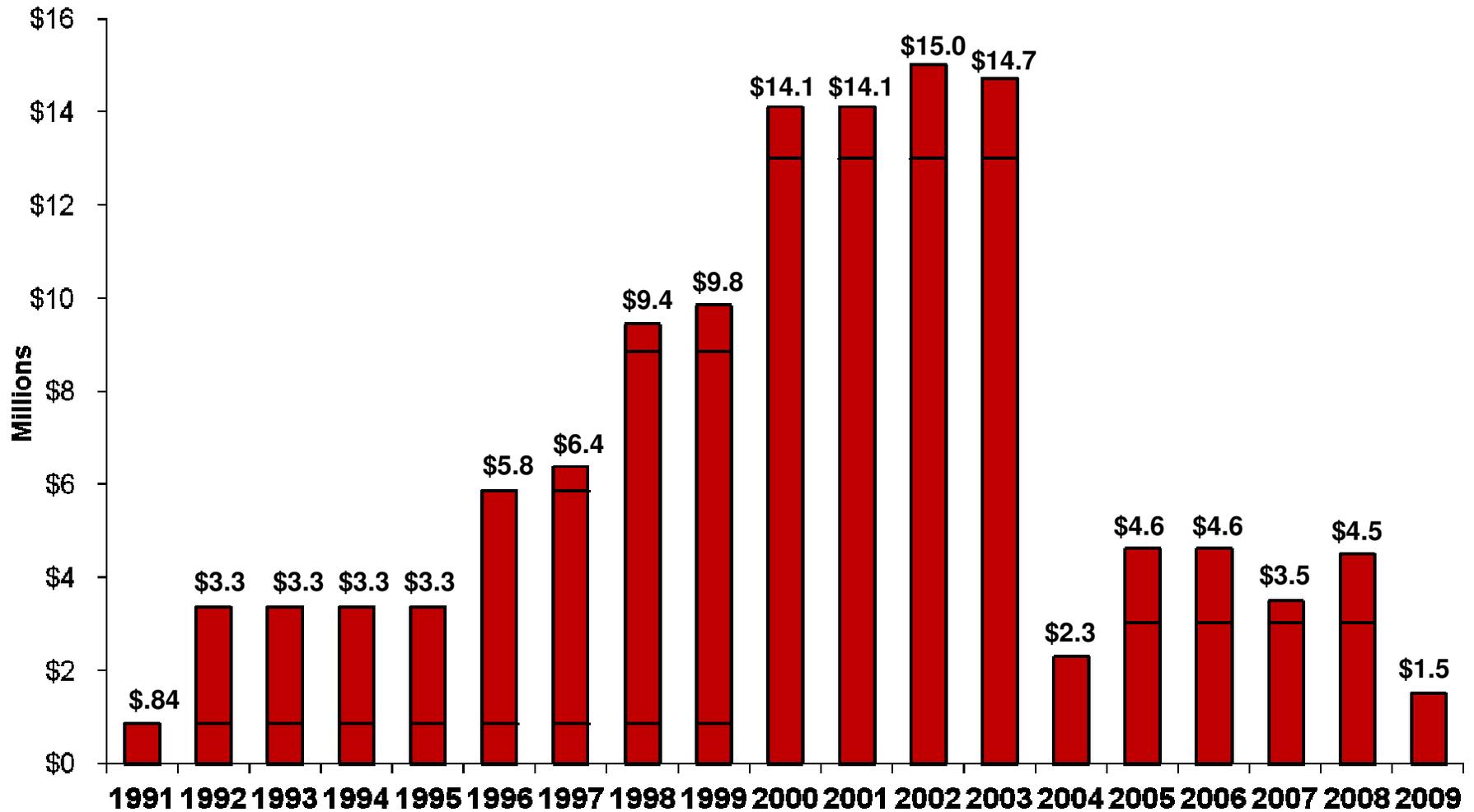


# Tobacco Tax Example

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- 112 tax increases 2001+ (46 were  $>.50$ )
- Despite worst state budgets in memory
  - 5 tobacco tax increases of 50 cents+ in '10
  - 0 in 2011 (and one tax CUT)
  - 1 in 2012
- California Ballot Lessons
  - Taxes Work
  - Media Works
  - This is just a public display of opposition; it goes on behind the scenes in every state

# State Advocacy Funding 1991 - 2009



# **Sorry, Grover, Illinois docs have more clout than you**

By Rich Miller

29 May 2012

Southtown Star

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**As state legislative support for a cigarette tax increase grew over the past week or so, anti-tax crusader Grover Norquist and other conservatives stepped into the Illinois fray to try to stop it.**

**In return for backing the higher cigarette tax, Republicans won concessions from the Democrats, particularly when it came to sparing doctors from Gov. Pat Quinn's proposed Medicaid provider rate cuts.**

**For the past several decades, the House Republicans' most reliable campaign supporter has been the Illinois State Medical Society. The House GOP always sticks with the docs, no matter what.**

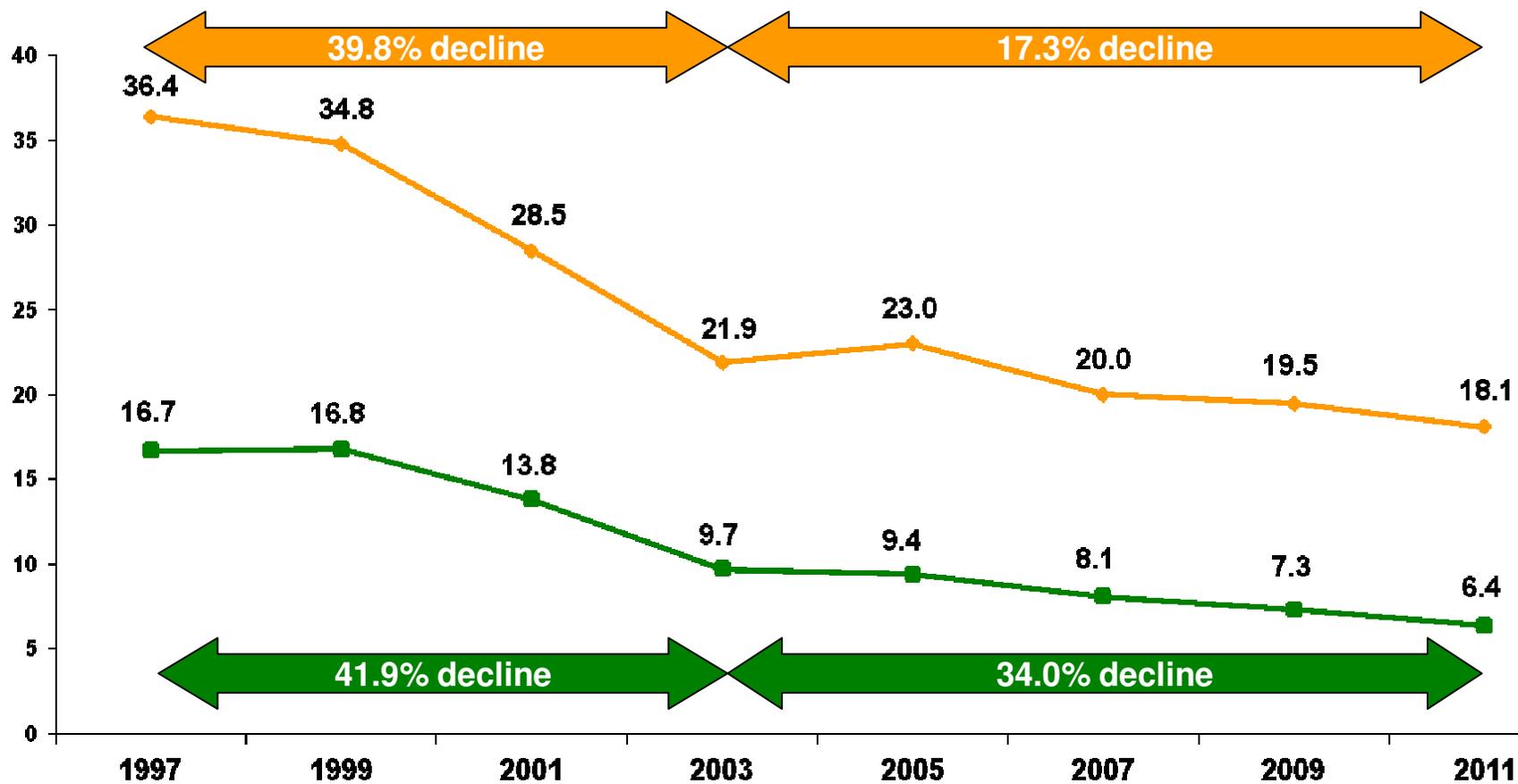
**But in Illinois, some things still trump national party interests. The state medical society is one of those things. Sorry, Grover. You may have all the Washington, D.C., Republicans scared out of their wits, but things are different here.**

Rich Miller also publishes Capitol Fax, a daily political newsletter, and [CapitolFax.com](http://CapitolFax.com)

# **IMPACT of PROGRESS**

# National Youth Smoking

## 1997 - 2011



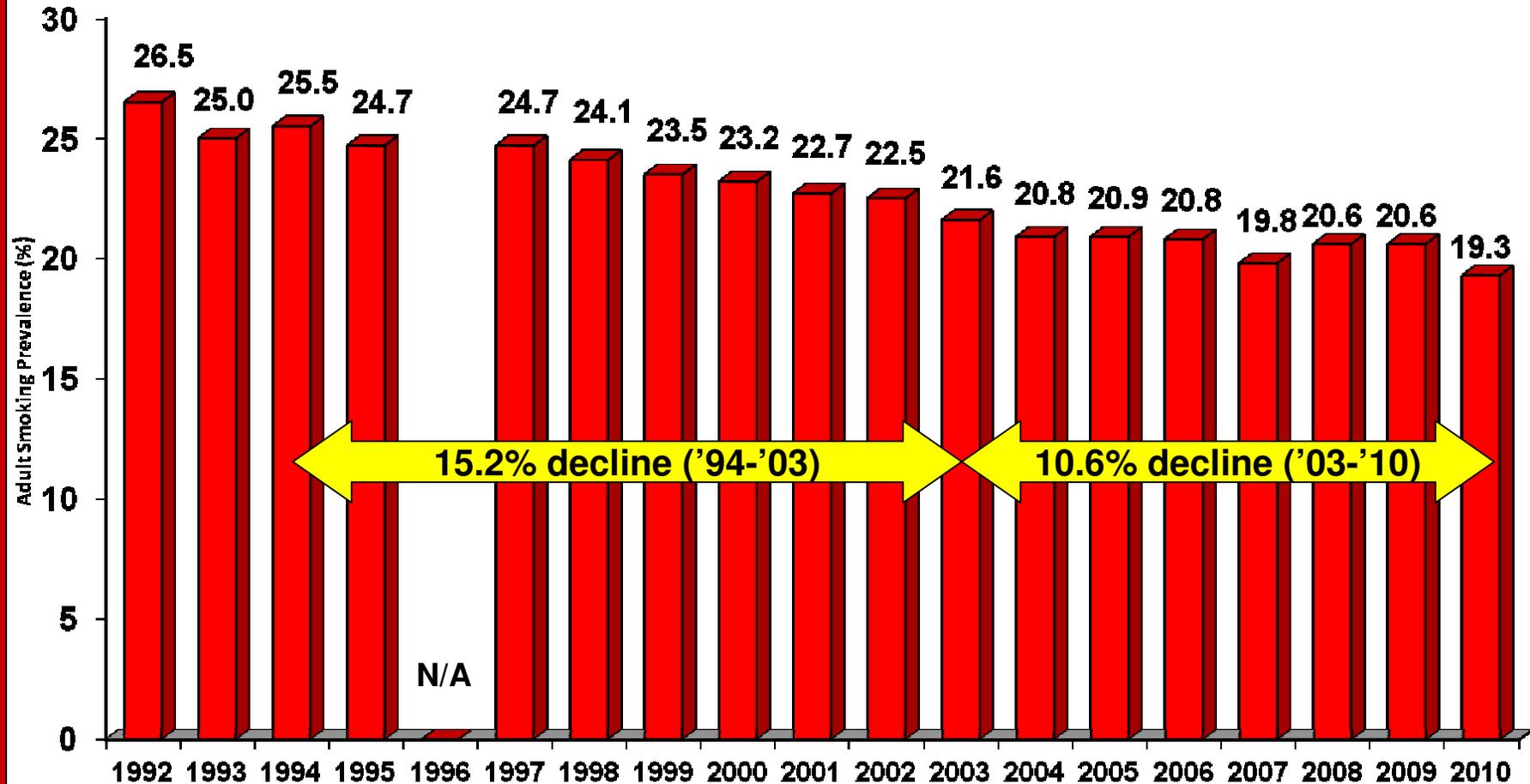
Current cigarette use (smoked cigarettes on at least 1 day during the 30 days before the survey)

Current frequent cigarette use (smoked cigarettes on 20 or more days during the 30 days before the survey)

Data are from the Youth Risk Behavior Surveillance Survey

# National Adult Smoking Trends

1994 - 2010\*



\* Data are from the National Health Interview Survey



## **Due to these smoking declines:**

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- **3.2 million fewer current youth smokers**
- **7.8 million youth kept from becoming addicted adult smokers**
- **2.8 million fewer youth dying prematurely from smoking**
- **\$136 billion in lifetime healthcare savings from smokers averted**
  
- **10 million fewer adult smokers**
- **2.3 million fewer adults dying prematurely from smoking**
- **\$95 billion in lifetime healthcare savings from smokers averted**