



TOBACCO FREE KANSAS COALITION

February 19, 2024

Representative W Carpenter, Chair
House Committee on Federal and State Affairs
HB 2801, neutral oral testimony

Chair Carpenter:

I am writing on behalf of The Tobacco Free Kansas Coalition (TFKC) regarding HB 2801, which proposes a new, redundant, and unnecessary “e cigarette registry” in Kansas. Tobacco Free Kansas Coalition (TFKC) is neutral on this proposal because it will not reduce youth access and addiction to all harmful tobacco and nicotine products. In fact, it could become an all too convenient source of confusion within existing federal and state tobacco and e-cigarette licensing and compliance programs.

There is no question that the tobacco industry has deliberately targeted Kansas youth. Kansas reached a historic settlement agreement with e cigarette manufacturer and distributor JUUL Labsⁱ. It was the culmination of a lawsuit that showed JUUL willfully directed its advertising to hook kids on their deadly products. **Kansas would best conserve staff and resources to address the orchestrated and deliberate youth e-cigarette epidemic through policies that are proven to work and strengthen its existing tobacco licensing and compliance programs.**

- The fines in HB 2801 for selling uncertified products are steeper than illegal sales of tobacco, including e-cigarettes, to youth. **We recommend increasing penalties on all illegal retail sales, to include license suspension and revocation for repeat violations.** ⁱⁱ
- Tobacco and nicotine is harmful in all forms. **That’s why we recommend licensing non-combustible products or “other tobacco products” such as chew, snus, roll-your-own (loose) tobacco, cigars, hookah, etc.** These products currently are sold unlicensed in Kansas, including nicotine pouches that are popular with youth.
- The Kansas Department of Revenue currently oversees tobacco licensing, including annual compliance checks to help prevent illegal sales to youth. They do so on a very limited budget. **We recommend supporting this existing program by raising the tobacco retail licensing fee to allow for more frequent comprehensive checks in the sales environment.** The current fee to sell deadly and addictive tobacco products, including e cigarettes, is an embarrassingly low biennial fee of \$25. **This fee has not been raised since 1972.**

- Increasing Kansas' investment in youth tobacco access and prevention programs. Kansas annually funds these programs at **an abysmal 3-7% of CDC recommended levels.**ⁱⁱⁱ
- Updating the definition of e-cigarette to encompass all existing and emerging products and taxing e-cigarette devices, which are currently not subject to tobacco tax.
- **Eliminating all sales of dangerous flavored tobacco products, including e cigarettes, which are targeted at youth to hook them for life.**

TFKC seeks to reduce the harm of diabolical and deliberate commercial tobacco targeting and marketing of deadly products, especially to groups who carry a disproportionate share of tobacco related disease burden (rural, low income, historically marginalized groups, etc).

TFKC respectfully urges the committee to support policies that place the responsibility where it should be- on ALL retailers whose business model includes selling deadly and addictive products. Let's give all parents and communities a fair shot at cultivating a tobacco free generation.

Sincerely,



Kari Rinker
Policy Chair, Tobacco Free Kansas Coalition

ⁱ <https://www.kctv5.com/2022/12/07/kansas-finalizes-nearly-10-million-multistate-settlement-with-juul-labs/>

ⁱⁱ https://www.ksrevisor.org/statutes/chapters/ch79/079_033_0022.html

ⁱⁱⁱ <https://www.tobaccofreekids.org/what-we-do/us/statereport/kansas>