



End discrimination based on sexual orientation and gender identity

Statement of Thomas Witt
Executive Director, Equality Kansas
In Opposition to HB 2563
House Committee on Federal and State Affairs
February 13, 2020

Good morning Mr. Chairman and members of the committee.

I am Thomas Witt, Executive Director of Equality Kansas, which advocates for the rights of LGBT Kansans and works to eliminate discrimination based on sexual orientation and gender identity. I am here today to speak in opposition to HB 2563, and I thank you for the opportunity to do so.

We have been following the progress of legislation to restrict the sale of tobacco and nicotine products to persons under the age of 21 for some time. Because of the disparate rates of smoking and nicotine addiction in the LGBTQ population, this is usually legislation we would support. However, we must oppose it because of a fatal flaw: the “menthol” exception to the ban on flavored tobacco and nicotine products found in Sec. 12(w) at page 19, line 26 of the bill.

In a recent report from the Centers for Disease Control and Prevention (CDC) ¹

- Tobacco product use is started and established primarily during adolescence.
- Nearly 9 out of 10 cigarette smokers first try cigarette smoking by age 18, and 98% first try smoking by age 26.
- ***Flavorings in tobacco products can make them more appealing to youth.***
- ***In 2018, 67% of high school students and 49% of middle school students who used tobacco products in the past 30 days reported using a flavored tobacco product during that time.***
- Recent increases in the use of e-cigarettes is driving increases in tobacco product use among youth.

The disparity in tobacco and nicotine use among LGBT youth is both stark and alarming. A 2017 report from LGBT Healthlink² found that:

- 40% of LGB high school students actively use at least one type of tobacco product, a rate that is 33% higher than among heterosexual students.
- 19% of LGB high school students smoke cigarettes, which is nearly double the rate of heterosexual students
- 31% of transgender youth smoke cigarettes.
- LGB youth are twice as likely to be daily smokers and more likely to use multiple tobacco products than are heterosexual youth.

¹Centers for Disease Control and Prevention, “Youth and Tobacco Use,” Dec 10, 2019
https://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm

²LGBT Healthlink, “Tobacco Use Among LGBT Youth,” Jul 24, 2017
<https://www.lgbthealthlink.org/FactSheets/LGBTTobaccoYouth>

- 3 in 10 LGB youth currently use electronic vapor products like e-cigs, which is 25% higher than heterosexual youth.

The high rate of tobacco and nicotine use among the LGBT population is no accident. The tobacco industry has, for years, targeted minority and marginalized populations with their marketing campaigns. One such campaign by RJ Reynolds³, brought to light as a result of the tobacco Master Settlement Agreement, was called "Project Scum." Project Scum was a 1995 plan to ratchet up marketing Camel cigarettes to "consumer subcultures" in the San Francisco area, specifically to LGBT people in the Castro district, "rebellious, Generation X" -ers, people of "International influence" and "street people." I have attached an excerpt of the plan to my testimony.

For decades, tobacco companies have targeted the LGBT community. Sponsorship of events, ads in magazines, and demeaning campaigns such as Project Scum have contributed to elevated tobacco use in our community. They have cynically exploited our aspirations, such as in the advertisement shown on this page.

Even though tobacco is restricted to legal adults, we know 90% of all smokers start smoking before the age of 18. If the product is attractive to children, children will find ways to obtain it. Raising the legal age to 21 accomplishes little if other steps aren't taken to make tobacco and nicotine products less attractive to our kids and grandkids.

The tobacco and nicotine industry knows the wave of T-21 bills across the nation are its death sentence. Keeping flavored products on the market is key to their survival, and they know it. That's why the menthol exception is in this bill, and that's why it needs to go.

If the goal is to end youth smoking, I urge you to either amend it and strike the flavor exemption, or just let this bill die and try again next year. The alternative is a mere appearance of doing something while leaving the tobacco industry free to do business as usual.

Thank you for your time and attention. I'm happy to stand for questions at the appropriate time.

**freedom. to speak.
to choose. to marry.
to participate. to be.
to disagree. to inhale.
to believe. to love.
to live. it's all good.**

**NATURAL
AMERICAN
SPIRIT**

*the people of santa fe natural
tobacco company*

No additives in our tobacco
does **NOT** mean a safer cigarette.

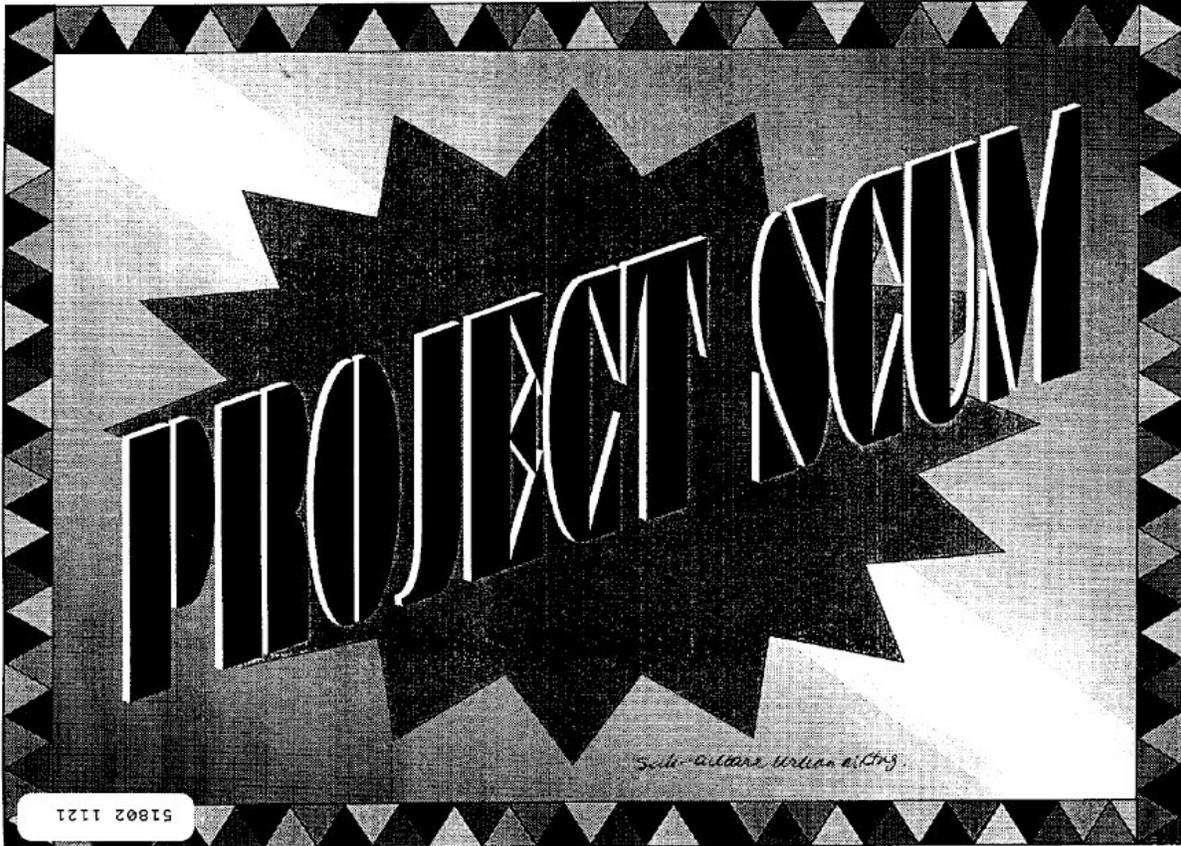
**SURGEON GENERAL'S WARNING: Smoking
By Pregnant Women May Result in Fetal
Injury, Premature Birth, And Low Birth Weight.**

www.nascigs.com

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Natural American Spirit is a registered trademark of Santa Fe Natural Tobacco Company

³Landman, Anne document collection, R.J. Reynolds Tobacco Company, "Project Scum". Dec 12 1995
<https://web.archive.org/web/20140727225312/http://tobaccodocuments.org/landman/518021121.html>

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BACKGROUND:

During the introduction of Red Kamel, additional opportunities to improve Camel presence became evident in ~~the~~ San Francisco proper.

1. Consumer Subcultures

- ☉ Alternative Life Style (Castro/Gen)
- ☉ International Influence
- ☉ Rebellious; Generation X
- ☉ Street People - More Applicable to Dorat *Tenderloin*

2. Camel has a higher share than in the general Marketplace. This was consistent in calls where we had the elements of presence/distribution and where we didn't

- ☉ Haight Ashbury - 22.6% SOM - Not SOC *Brand is key where we are and where we're not.*
- ☉ Castro - 10.5%
- ☉ Downtown Metro - 7.90%
- ☉ Northern California Region - 7.70% (AIM 12/30/95-2/28/96) **Focus is in calls where we're not (good adv.)*

all 200 of this 3/96/96

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