

Local Control
of Tobacco
Product
Marketing and
Sales in
Kentucky

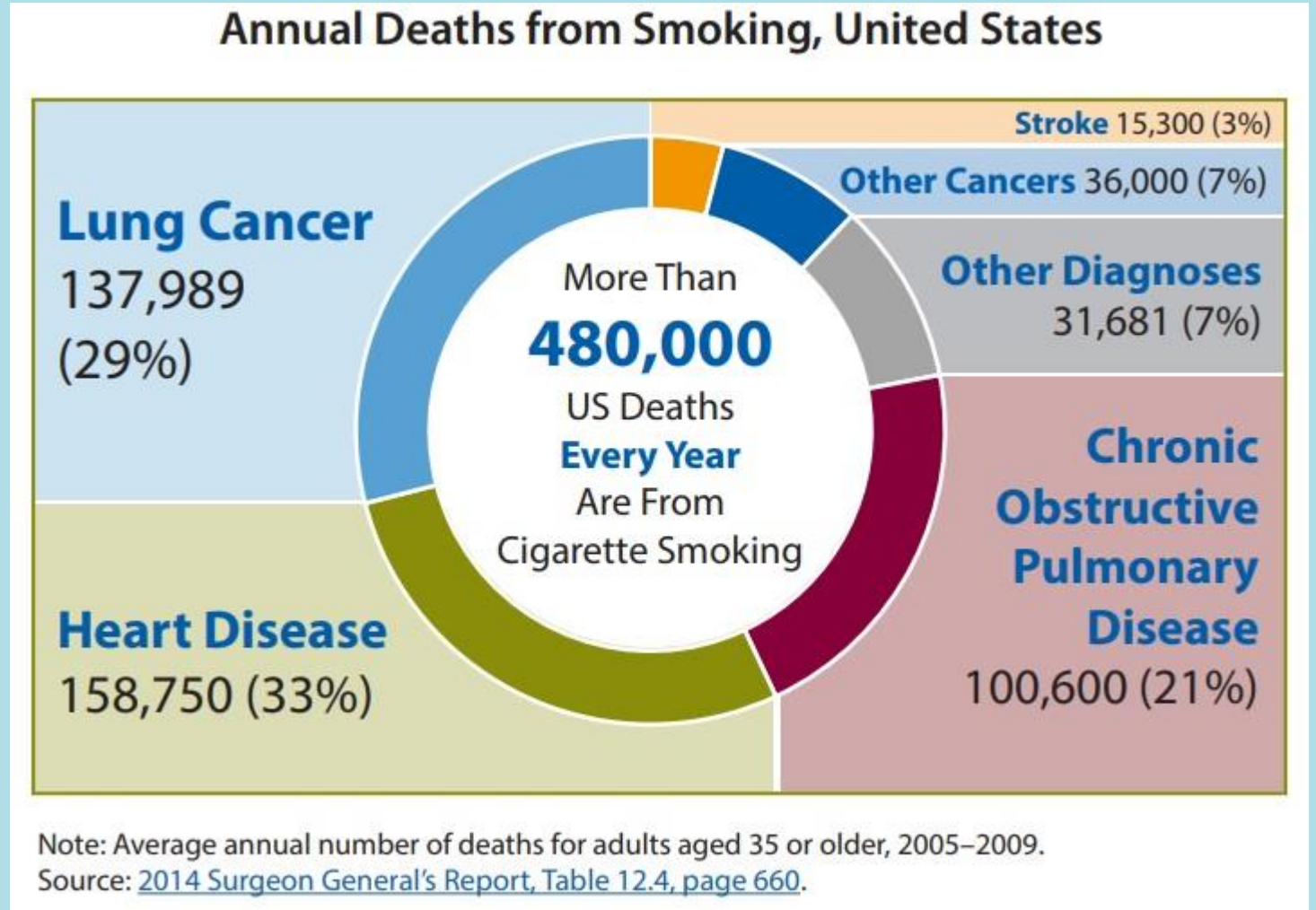


Health Consequences of Smoking

Kentucky ranks 1st in the nation for cancer deaths.

Kentucky ranks 2nd in chronic obstructive pulmonary disease (COPD).

Kentucky ranks 9th in the nation for heart disease deaths.



Cost of Smoking-Related Illness in Kentucky

Smoking-Caused Monetary Costs in Kentucky

Annual health care costs in Kentucky directly caused by smoking	\$1.92 billion
Medicaid costs caused by smoking in Kentucky	\$589.8 million
Residents' state & federal tax burden from smoking-caused government expenditures	\$1,074 per household
Smoking-caused productivity losses in Kentucky	\$2.79 billion

Amounts do not include health costs caused by exposure to secondhand smoke, smoking-caused fires, smokeless tobacco use, or cigar and pipe smoking. Tobacco use also imposes additional costs such as workplace productivity losses and damage to property.



E-Cigarettes (“Vaping”)



In 2020, about 1.8 million fewer U.S. youth are current e-cigarette users compared to 2019.

However

3.6M

U.S. youth still currently use e-cigs

There is a notable uptick in use of

DISPOSABLE

e-cigs by youth

More than

8 out of 10

current youth e-cig users use flavored e-cigs

- Harms developing adolescent brain
- Increases risk for smoking cigarettes (90% of smoking starts in youth)
- Increases risk for becoming addicted to illicit drugs later on

Cost of Smoking to Business

Compared with nonsmoking employees, employees who currently smoked were **33% more likely to miss work** and were absent from the workplace for an average of 2.7 more days per year.⁹

Absenteeism decreases when smokers quit, even among those who have recently quit.¹⁰

Smokers are also more likely than nonsmokers to take unsanctioned breaks. These breaks are **“the largest single cost from a smoking employee”**¹¹ and result in 8 to 30 minutes per day per employee in lost work time.

9. Weng, SF, Ali, S, Leonardi-Bee, J. Smoking and absence from work: systematic review and meta-analysis of occupational studies. *Addiction*. 2013;108(2):307–319. doi:10.1111/add.12015

10. Baker, CL, Flores, NM, Zou, KH, Bruno, M, Harrison, VJ. Benefits of quitting smoking on work productivity and activity impairment in the United States, the European Union and China. *Int J Clin Pract*. 2017;71(1). doi:10.1111/ijcp.12900

11. Berman, M, Crane, R, Seiber, E, Munur, M. Estimating the cost of a smoking employee. *Tob Control*. 2014;23(5):428–433. doi:10.1136/tobaccocontrol-2012-050888

Cost of Smoking to Business

On average, private employers pay \$5,816 in extra costs for a smoking employee over a nonsmoking employee.^{[12](#)}

Across US states, **6-18% of total health care expenditures** are attributed to smoking-related illnesses.^{[13](#)}

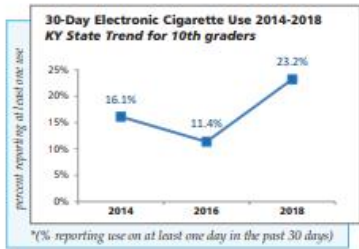
Tobacco use is also associated with increased risk of injury AND property loss due to fire, explosions, and vehicular collisions.^{[14](#)}

12. [2014 Sep;23\(5\):428-33. doi: 10.1136/tobaccocontrol-2012-050888. Epub 2013 Jun 3.](#)

13. [Ekpu, VU, Brown, AK. The economic impact of smoking and of reducing smoking prevalence: review of evidence. Tob Use Insights. 2015;8:1-35. doi:10.4137/TUI.S15628](#)

14. [National Fire Protection Association. Home fires started by smoking . January 2019.](#)

Tobacco Use Differs Across Kentucky



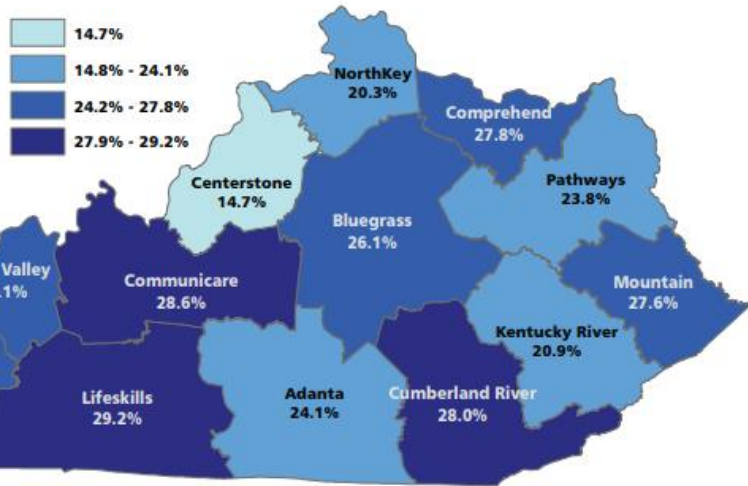
Grade 10 - Electronic Cigarettes or E-cigarettes,* 30-Day Use, 2018

**for ex. NJOY, V2, Bull Smoke, Halo*

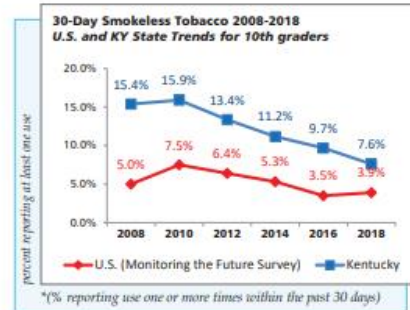
(% responding that they had used the substance on at least one day in the past 30 days)

PERCENTAGE OF 10TH GRADERS, 2018

Min: 14.7% (CENTERSTONE); Max: 29.2% (LIFESKILLS)



SEE PAGE 81, E-Cigarettes, Risk Perception, 2018

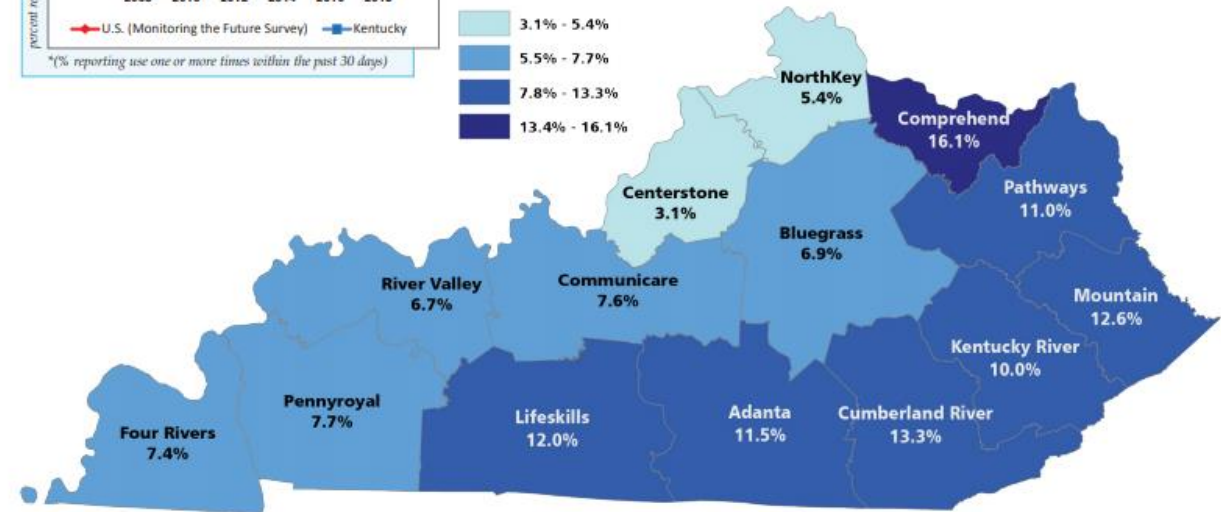


Grade 10 - Smokeless Tobacco, 30-Day Use, 2018

(% responding that they had used the substance one or more times within the past 30 days)

PERCENTAGE OF 10TH GRADERS, 2018

Min: 3.1% (CENTERSTONE); Max: 16.1% (COMPREHEND)



Smoking Rates Demographic Disparities

Current Cigarette Smoking Among U.S. Adults, 2018



Race/Ethnicity

AI/AN: 22.6%
White: 15.0%
Black: 14.6%
Hispanic: 9.8%



Education Level

GED: 36.0%
< High school: 21.8%
Undergraduate
degree: 7.1%



Annual Household Income

<\$35,000: 21.3%
\$75,000–\$99,999: 13.3%



Health Insurance

Uninsured: 23.9%
Medicaid: 23.9%
Private: 10.5%
Medicare: 9.4%



Disability/Limitation

Yes: 19.2%
No: 13.1%



Sexual Orientation

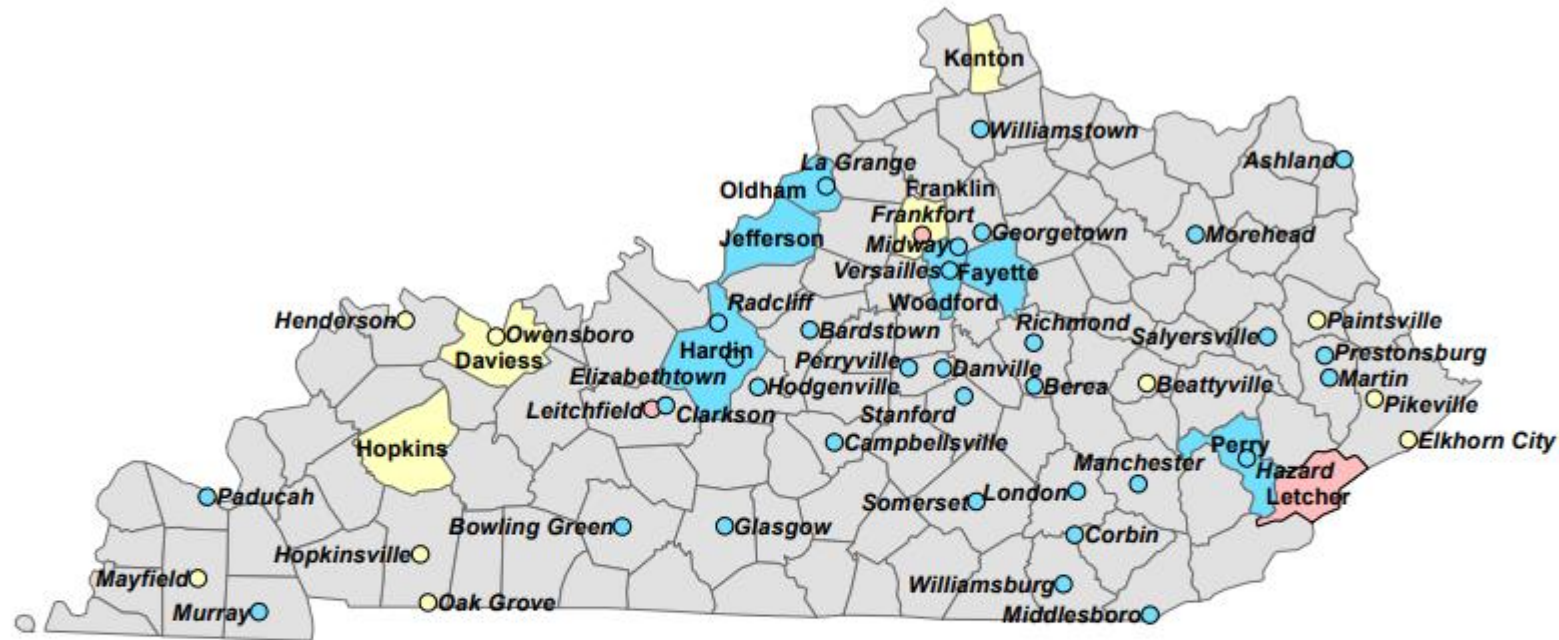
Lesbian/Gay/Bisexual: 20.6%
Heterosexual: 13.5%



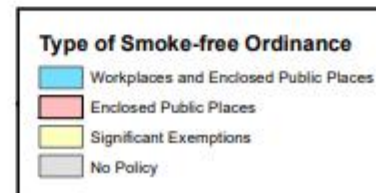
Serious Psychological Distress

Yes: 31.6%
No: 13.0%

City/County Smoke-Free Policies in Kentucky



As of August 1, 2020, 36.2% of Kentuckians are protected by smoke-free laws covering all indoor workplaces and public places.*



Local Law

Marketing, Sale, & Use of Tobacco Products



Smoke-Free Laws

- Prohibit smoking/vaping in indoor workspaces and public places
- 56 Kentucky cities or counties have enacted local smoke-free laws

All Other Laws Preempted

- KRS 438.300 prohibits city/county governments from regulating the use, display, sale and distribution of tobacco products
- Constitution §181 bars local tobacco excise taxes



How did we get here?

- Beginning in 1985, Big Tobacco began using preemption as a tactic to overturn existing - and block new - local laws
- By 1996, 31 states including Kentucky had adopted state preemption measures



“While we’re not married to any particular form of pre-emption language, we’re dead serious about achieving pre-emption in all 50 states. ...

“If smokers are banished to doorways and loading docks..., it makes smokers feel like outcasts and gives encouragement to the anti’s.”
[Walls, T.]. CAC Presentation#4, draft 7/8/94.
Philip Morris. July 8, 1994.

Local Control is a Tool, Not a Mandate

Would allow counties/cities to:

- Require health warnings on retail tobacco displays
- Limit tobacco product advertising in stores near schools, playgrounds
- Create buffer zones between schools and tobacco retailers

Would NOT allow counties/cities to:

- Raise local excise taxes

Mayor Les Stapelton,
Prestonsburg

Questions?