



Jeff Mursau

STATE REPRESENTATIVE • 36TH ASSEMBLY DISTRICT

Assembly Committee on State Affairs
AB 225/SB 307- Placement of Tobacco Products by Retailers
December 20, 2017

Chairman Swearingen and Committee Members -

Thank you for the opportunity to testify in support of Assembly Bill 225, related to the placement of cigarettes, nicotine products, or tobacco products by retailers.

Current law already requires that cigarettes be placed behind the counter. This bill simply states that all tobacco or nicotine products also be placed behind the counter or in a locked case. Thirty other states have laws that restrict the placement of tobacco products including our neighboring states of Illinois, Iowa, and Minnesota.

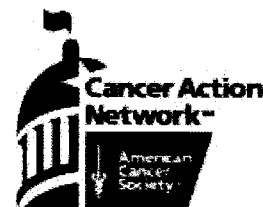
Last month, the senate companion bill (SB 307) passed the Senate Committee on Agriculture, Small Business and Tourism unanimously and later passed the full Senate on a voice vote.

I introduced this bill because I think it's important to deter our youth from picking up a deadly and costly habit. While youth smoking rates have fallen almost 50% since 2004, smokeless tobacco use among youth increased by 67% since 2012. These products are often displayed next to candy and chips getting the attention of kids. When tobacco costs \$4.7 Billion a year in health care costs and lost productivity, why wouldn't we do something this simple if it can guard our kids from a future of addiction and poor health?

I, along with my co-author Sheila Harsdorf, invested a great deal of time working with a variety of groups to make this a bill everyone can live with. AB 225 is a bi-partisan bill with 44 cosponsors. More than 15 health groups are registered in favor of the bill and none of the Wisconsin retailers – those impacted by it – are opposed to the bill. The truth is many of them put the products behind the counter voluntarily as best-practice because it greatly reduces shoplifting incidents. We also introduced an amendment at the request of the Cigar Association of America, which includes a provision that the bill doesn't apply to a retail location that receives 75% or more of its revenue from sales of cigarettes, nicotine products, or tobacco products as long as no person younger than 18 is permitted in the store (unless accompanied by a parent/guardian).

Once again, thank you for holding a public hearing on this important piece of legislation. I am happy to answer any questions you may have.

Chairman Swearingen
Assembly State Affairs Committee
Public Hearing, Assembly Bill 225



December 20, 2017

Good afternoon Chairman Swearingen and distinguished members of the Assembly Committee on State Affairs.

Thank you for the opportunity to speak with you today about a critical step we can take in protecting Wisconsin kids from tobacco.

My name is Sara Sahli, Wisconsin Director for the American Cancer Society Cancer Action Network. ACS CAN is an evidence-based organization that convenes scientists, researchers, medical providers and patients to work to save lives and eliminate death and suffering from cancer. We are a nonpartisan, non-profit membership organization. I am here today to express our support for Assembly Bill 225 and Senate Bill 307. I want to recognize and thank Representative Mursau as the lead sponsor and members on this committee who are among 43 bi-partisan cosponsors on AB 225/SB 307.

In May of 2016, we had more than 100 volunteers from across the state come to Madison to advocate for Assembly Bill 225/Senate Bill 307. We also have a memo of support from over 20 health organizations here in Wisconsin.

ACS CAN believes that all tobacco products should be behind the counter, because this limits their accessibility to youth. Assembly Bill 225/Senate Bill 307 addresses store placement of tobacco products. Current law requires cigarettes to be sold from behind a store counter, but other tobacco products such as little cigars, cigarillos and e-cigarette liquid can be sold in front of the counter or on the store floor. The placement increases their visibility to young users, who are attracted to their fun colors and candy flavors.

Strategic placement of tobacco products is an integral component of tobacco industry marketing.ⁱ In fact, in 2013 the tobacco industry spent \$291 million in promotional allowances to tobacco retailers for the strategic placement and shelving of tobacco products.ⁱⁱ

Tobacco use remains the single largest preventable cause of disease and premature death in the United States. A statistic that deeply concerns us is that 8.1 percent of Wisconsin high school students smoke.ⁱⁱⁱ In fact, every year, 2,900 kids under 18 become new daily smokers in Wisconsin.^{iv}

Additionally, we have seen a significant increase in the use of other tobacco products. 13.3 percent of Wisconsin high school students use e-cigarettes and 9.1 percent of our male high school students smoke cigars.^v We must reverse this trend.

This is a serious problem that has a common-sense solution. The same logic that explains why we don't want children to browse cigarettes should apply to all tobacco products. Many other tobacco products that are currently not required to be behind a counter come in flavors that are attractive to young people including chocolate, cotton candy, and cherry. Behind the counter is the right place for all tobacco products. We ask you to fully support Assembly Bill 225/Senate Bill 307 to protect Wisconsin kids.

As I stated earlier, we are an evidence based organization that can provide many statistics, however I think the stories of our volunteers who want to protect kids can provide the real story of why AB 225/SB 307 is so important. I'm pleased that you will have the opportunity to hear from some of our advocates in person today. You will also find four additional individuals registered in favor that have submitted written testimony.

Thank you, Chairman, and members for your time. I urge you to vote yes on AB 225 and SB 307.

ⁱ Countertobacco.org. Restricting Product Availability, Placement, and Packaging. <http://countertobacco.org/policy/restricting-product-availability-placement-and-packaging/>

ⁱⁱ Countertobacco.org. Restricting Product Availability, Placement, and Packaging. <http://countertobacco.org/policy/restricting-product-availability-placement-and-packaging/>

ⁱⁱⁱ Centers for Disease Control and Prevention. State Tobacco Activities and Evaluation (STATE) System Highlights Report. <http://apps.nccd.cdc.gov/statesystem/HighlightReport/HighlightReport.aspx>

^{iv} Campaign for Tobacco-Free Kids. The Toll of Tobacco in Wisconsin. Updated September 18, 2017.

^v Campaign for Tobacco-Free Kids. The Toll of Tobacco in Wisconsin. Updated September 18, 2017.

Chairman Swearingen and members of the committee, thank you for allowing me to speak to you today. My name is Kay Mittelstadt-Lock and I live in Fond du Lac, Wisconsin.

As an advocate for the American Cancer Society Cancer Action Network, I am a passionate supporter of policies that strive to keep tobacco products out of the hands of children. I am a mother of four, and my oldest son is a childhood cancer survivor. I know first-hand the horrific details of what a cancer diagnosis means.

My son Ian was diagnosed with osteosarcoma, a rare bone cancer, in September of 2010. He was 16 years old. He was a star football and baseball player, and had hoped to play football at the college level. To this day, every time I hear, or see, the word cancer I think of Ian in pain, throwing up, barely able to stand, and getting gallons of toxic chemical called chemotherapy pumped into him. It was debilitating for my husband and me to watch and took every ounce of strength we had to keep going for Ian and our other three kids. Thankfully, Ian is doing well. He graduated from college earlier this year, and is now working full time as a Research Technician in a premier cancer research institute. He will soon be applying for admission to a PhD program.

There is nothing we could have done to prevent Ian's cancer. However, we ALL must do what we can to prevent cancers caused by tobacco, and we can do that by making sure that kids never start using tobacco products. We know that the tobacco industry is enticing our children with these products because they make them in kid friendly flavors such as grape, cotton candy and watermelon – and put them in colorful fun looking wrappers in displays where children can have easy access to them. I have a 15-year-old daughter. A very real fear that I have is that she will be enticed by these products and succumb to the temptation of trying them, thinking they are harmless *because* they look harmless.

Our family recently stopped at a gas station that had a fast food restaurant in it. As we walked through the gas station we passed a very large, long display with brightly colored products packaged in fun looking wrappers. It took me a minute to realize that it wasn't candy, but rather a whole range of tobacco products. It is infuriating to me that these displays are intended to lure children to these products.

I know the pain that follows the words "you have cancer." Please do your part to prevent other families from hearing those words. On behalf of my family, and the many who will benefit from the life-saving impact of this policy, I ask that you please vote yes on AB225 to keep tobacco products out of the hands of children and protect them from a lifelong tobacco addiction.

Thank you,

Kay Mittelstadt-Lock
Fond du Lac, WI

Chairman Swearingen and members of the committee, thank you for allowing me to speak to you today. My name is Kirby Davidson and I live in Sun Prairie, Wisconsin.

February 19th is a day that will always stand out in my mind. It was the day my son, Ryan, was born, and it's also the same day that he passed away. After a 10-year battle with brain cancer, Ryan finally succumbed to the disease on his 16th birthday. It was the most difficult day of my life. I will always remember that I was there with my wife when Ryan took his first breath, and there by his bedside when he took his last.

Ryan was, and always will be, my friend and hero. I miss him every minute of every day. But, somehow, I know that he is always with me and this memorial bracelet on my wrist is my constant reminder that we will, as Ryan always said, Fight On!

The doctors never knew the cause of Ryan's cancer. However, medical research has proven that tobacco is the number one cause of cancer deaths. Tobacco is a known carcinogen, and causes 13 types of cancer. So, when we know for a fact that tobacco is a cancer-causing agent, then why in the world would we not do everything possible to keep it out of the hands of our children? Knowing as we do that these products are targeted at children to get them hooked before adulthood, why would we let them be placed within children's reach? To me, that's just disgraceful and of great concern.

As I said at the beginning, Ryan battled cancer and lived to see his 16th birthday. We never knew what caused Ryan's brain cancer and we'll fight for medical research to continue, but when we have the research to know that tobacco is a leading cause of cancer, that it is the leading cause of cancer death, we must do all we can to make sure kids never start smoking. I urge all of you to do the right thing by voting yes on AB225 to make sure that the next child and the child after that never have to hear the words...you have cancer. Please vote yes on AB225 to put ALL tobacco products behind the counter.

Thank you.

Kirby Davidson
Sun Prairie, WI

Dear Chairman Swearingen and members of the Assembly State Affairs Committee, thank you for taking the time today to listen to my story. My name is Holli Close and I live in Appleton. As an advocate for the American Cancer Society Cancer Action Network, I come to this committee today wearing many hats. I am a nurse, a caregiver, and a mother.

My family has a long-standing history of cancer. I have an uncle who died at an early age from leukemia, an aunt who has battled leukemia on and off her entire life, another aunt who had cervical cancer and survived, my father who currently is stable with skin cancer, and unfortunately my list goes on. I started volunteering with the American Cancer Society after we lost my niece in 2003 to Non-Hodgkin's lymphoma just shortly before her 21st birthday. More recently, I lost my mom to colorectal cancer just a year ago. I watched two very strong, full of potential, influential, positive women in my life eventually fade away from this terrible disease.

My mom was a smoker for 30 + years. She quite when she turned 50, but she always joked that if she made it to 80 she would start smoking again. I will always wonder if she had not smoked would she still be with us today? My husband has been smoking since he was 16 and has tried to quit so many times that I cannot count. I wonder when and what kind of cancer he will develop. He just lost a grandma this past spring to lung cancer. As a nurse, I counsel people daily on smoking cessation. It is amazing to me that even with all the resources out there to quit smoking, is a continuous struggle every day for people even though they know it is extremely terrible for their own health. Smoking is truly an addiction.

Cancer deaths related to smoking continues to be the leading cause of the number one preventable cancer. We reached a milestone this year with the tobacco companies having to launch a campaign to bring to light the harms of smoking. However, here in Wisconsin we allow the tobacco companies to target our youth by allowing certain tobacco products with desirable flavors such as grape, watermelon, chocolate, to be easily accessible by not placing them behind the counter. What's worse is that these products are much cheaper making it easier for our youth to gain access to the same carcinogen, nicotine, that is in cigarettes and all tobacco products.

As a mother of two beautiful healthy boys 14 and 17 both active athletes who will sometimes remind me to eat a little healthier. I worry every day about their access to these products. When I decided to become an advocate, I did it for my children because I never want them to hear the words "you have cancer". I urge you today to vote yes on AB225 to put all tobacco products behind the counter where they belong.

Thank you,

Holli Close
Appleton, WI

Good Afternoon Chairman Swearingen and Members of the Assembly Committee,

Thank you for allowing me to testify before you today. My name is Dennis Johnson. I am a self-employed electrician from Edgerton and a lifelong smoker. In fact, I was raised in a tobacco growing community and grew up working in tobacco. Edgerton was once called the tobacco capitol of the world.

I started smoking when I was 16 years old, as did many of my friends and other people around my age. After high school, I studied at MATC and later UW Platteville majoring in chemistry. Instead of finishing college, I decided to work for my father's business, Edgerton Electric, and became an electrician. Shortly thereafter, I was drafted. After seven weeks in boot camp, I was sent home due to bad knees. Throughout all of this, high school, college and the military, smoking at that time was the social norm.

I always intended to quit, especially when I got married, but I didn't come as easy as I thought it would. I have tried several times and have been unsuccessful. When my daughters were growing up in the 80's and 90's, I always told them to never start smoking. Now, I have two grandsons. I want to make sure they never start smoking, which is why I am here before you today.

As a smoker, I have no problem buying my products from behind the counter. But, I do have a problem with these so-called little cigars that come in all kinds of fruit and candy flavors being placed within arm's reach of children like my grandsons. These products are clearly targeted towards children to try to get them addicted to tobacco, then switch to becoming cigarette smokers like myself. I certainly don't know of any adults that smoke grape flavored little cigars.

Tobacco was all around me. We didn't know any better. Today we know better and we should do better. Please help protect the next generation by putting all tobacco products behind the counter where they belong. I ask that you please vote yes on AB225.

Thank you for your time.

Dennis Johnson
Edgerton, WI

Luckey, Michael

From: Glaeser, Sascha
Sent: Wednesday, December 20, 2017 9:18 AM
To: Luckey, Michael
Subject: FW: Testimony - tobacco placement bill

From: Luke D. Younggren [mailto:ldyounggren@gmail.com]
Sent: Tuesday, December 19, 2017 6:48 PM
To: Rep.Swearingen <Rep.Swearingen@legis.wisconsin.gov>
Subject: Testimony - tobacco placement bill

Dear Chairman Swearingen and members of the Assembly Committee,

Thank you for allowing me to testify before you today. My name is Luke Younggren and I'm speaking on behalf of ACS CAN. I lost my wife and mother of our children, Maggie, to metastatic breast cancer last August. She had just celebrated her 40th birthday and was less than 16 months removed from being told she was cancer free after a year of first round chemo and radiation. Maggie was an inspiration to hundreds who knew her, not merely in her battle with cancer but in the way she lived her life, before cancer and after diagnosis. She was passionate, kind, incredibly intelligent, articulate, and funny. We lost Maggie far, far too soon and the pain and sadness resonates with everyone she knew, every day. We're losing people to cancer because we don't have a cure, and to date our research efforts have been outpaced by cancer's immense and horrifying intelligence.

Maggie lived a healthy, active life. We have no knowledge of how or if her cancer could have been prevented. But, we do know that tobacco is the number one cause of cancer. I have two daughters, Nora who is 5 years old and McKinley, 7. As their sole parent, I am doing my best to raise and protect them, and help educate them on how to protect themselves as well. The last thing I should have to worry about is my daughters being targets of the tobacco companies.

As an advocate for the American Cancer Society Cancer Action Network, I am disturbed that there are currently tobacco products placed among the snacks and candy at convenience stores throughout Wisconsin. There is zero logic to this other than to target children to get them addicted to these products. We put cigarettes and smokeless tobacco behind the counter, so why aren't ALL tobacco products behind the counter? These other products, such as little cigars, are much cheaper and often candy-flavored to appeal to children.

I already lost my wife to cancer, and I will do everything as a parent to educate and protect my girls from tobacco products. I just ask that you do your part as lawmakers and put ALL tobacco products behind the counter by voting yes on AB225.

Luke Younggren
Oregon, WI

Dear Chairman Swearingen and members of Assembly State Affairs Committee,

My name is Jess Owens. I have been an advocate for ACS CAN for many years. I have worked with young people and professionals to educate them about how to live a healthy life.

I also know that it's not always easy to achieve health and wellness, and sometimes a person is not able to control all of the issues they may face throughout their lifetime. I know this, because I have seen it first-hand. My mom is a breast cancer survivor, and has also been a smoker for over 40 years. She could not control the fact that she got breast cancer as many women in her family have dealt with the disease, and while we believe that she can control her urge to smoke, the addiction has proven extremely difficult to kick. Like so many others, my mom began smoking in her teenage years and made unsuccessful attempts to quit ever since. Throughout her cancer treatment she just could not completely stop even though she wanted to. For her, because she had been introduced to tobacco at a young age, it became too difficult to quit as she grew older even with her health issues.

My mother's story is common. Every year in Wisconsin 2,900 kids under the age of 18 become daily smokers. Nearly **90 percent** of adult smokers began smoking before age 18.

In February, she will become a first-time grandmother. As an expectant mother, I have many concerns about the challenges my son will face someday, and tobacco is absolutely one of them. The colorful packaging and candy-like flavors that tobacco products have today make it extremely hard to distinguish between harmful products and treats. Until ALL tobacco products are put behind the counter where they can be monitored, no child is safe from the temptation to explore them.

I hope that I never see my child using tobacco products. But, until all of them are put behind the counter and out of reach of children I will continue to worry about the future and health of our youth. With so many health issues to be concerned about these days, we should be doing everything we can to make positive changes that will directly influence a tobacco free generation, especially things that can have a quick impact, like moving tobacco products behind the counter.

For my mom and for my son, I encourage you to vote yes on AB225 to protect our children and future generations.

Sincerely,
Jess Owens
Cudahy, WI

Dear Chairman Swearingen and members of the Assembly Committee,

Thank you for allowing me to testify before you today. My name is Luke Younggren and I'm speaking on behalf of ACS CAN. I lost my wife and mother of our children, Maggie, to metastatic breast cancer last August. She had just celebrated her 40th birthday and was less than 16 months removed from being told she was cancer free. Maggie was an inspiration to hundreds who knew her, not merely in her battle with cancer but in the way she lived her life, before cancer and after diagnosis. She was passionate, kind, incredibly intelligent, articulate, and funny. We lost Maggie far, far too soon and the pain and sadness resonates with everyone she knew, every day. We're losing people to cancer because we don't have a cure, and to date our research efforts have been outpaced by cancer's immense and horrifying intelligence.

Maggie lived a healthy, active life. We have no knowledge of how or if her cancer could have been prevented. But, we do know that tobacco is the number one cause of cancer. I have two daughters, Nora who is 5 years old and McKinley, who is 7. As their sole parent, I am doing my best to raise and protect them, and help educate them on how to protect themselves as well. The last thing I should have to worry about is my daughters being targets of the tobacco companies.

As an advocate for the American Cancer Society Cancer Action Network, I am disturbed that there are currently tobacco products placed among the snacks and candy at convenience stores throughout Wisconsin. There is zero logic to this other than to target children to get them addicted to these products. We put cigarettes and smokeless tobacco behind the counter, so why aren't ALL tobacco products behind the counter? These other products, such as little cigars, are much cheaper and often candy-flavored to appeal to children.

I already lost my wife to cancer, and I will do everything as a parent to educate and protect my girls from tobacco products. I just ask that you do your part as lawmakers and put ALL tobacco products behind the counter by voting yes on AB225.

Luke Younggren
Oregon, WI

Dear Chairman Swearingen and members of Assembly State Affairs Committee,

Thank you for the opportunity to weigh in with my support for Assembly Bill 225.

As the Chair of the American Cancer Society Wisconsin State Leadership Board and a Registered Nurse for nearly 38 years, I have dedicated my career to helping cancer patients. I am an AOCNS® (Advanced Oncology Certified Clinical Nurse Specialist) and CHPN (Certified Hospice and Palliative Nurse) and have been actively involved in all aspects of cancer care --- from prevention/early detection to treatment to end-of-life care.

While cancer treatments have advanced during the course of my nursing career, there are still far too many people dying from cancer. It remains the second leading cause of death. Tobacco use has been linked to a plethora of types of cancer and, among the various types of cancer, lung cancer is the number one cause of cancer deaths.

I strongly believe that we should do everything we can to try to prevent cancer. One of the easiest ways to do this is to reduce tobacco use. I am shocked that the state of Wisconsin allows certain tobacco products clearly targeted towards kids with their candy flavors to be placed among candy and snacks. These products should be placed behind the counter, along with cigarettes, out of the reach of children.

There is simply no reasonable justification for these products to be placed anywhere else than behind the counter. Please support AB225 to put ALL tobacco products behind the counter where they belong.

Thank you,

Mary O. Schueller, MSN, RN, AOCNS®, CHPN
1089 Creeks Cross Rd
Unit 1A
Kohler, WI 53044

To: The honorable Representatives Swearingen and Tauchen and members of the Assembly
Committee on State Affairs

From: Debbi DeGarmo

Re: AB 225

As an advocate for the American Cancer Society Cancer Action Network and the mother of three young children, I am appalled that flavored tobacco products are currently placed near the candy aisles and are priced lower than a Subway sandwich in Wisconsin. My oldest son turned 13 this year, and peer pressure is a big concern as his mother.

I have worked in healthcare for my entire career, and I have seen the devastation smoking brings across a wide array of our population. I could go into statistics about the enormous amount of money spent on smoking related illness, and the impact that has on our struggling health care system. Instead, I will ask you to please vote yes on AB225 and place ALL tobacco products behind the counter where they belong, especially ones that target my children. I would much rather focus on things like homework and acne treatment, than worry about my youngsters becoming addicted to candy-flavored tobacco and the scary gateway that follows.

Respectfully,

Debbi DeGarmo, Chaseburg, WI



TO: Members, Assembly Committee on State Affairs
FROM: Ben Van Pelt, Government Relations Director, American Heart Association (AHA)
DATE: December 20, 2017
RE: Support of Assembly Bill 225 and Senate Bill 307, other tobacco product placement

Chairman Swearingen and members of the Committee, on behalf of the American Heart Association and American Stroke Association, I appreciate the opportunity to be able to provide written testimony in support of Assembly Bill 225 and Senate Bill 307, which ensures that all tobacco products and nicotine products are kept in locations inaccessible to consumers, or “behind the counter.”

As part of its goal to improve the cardiovascular health of all Americans by 20% by 2020, the AHA defined seven important metrics for cardiovascular health, including diet, physical activity, smoking, body mass index, total cholesterol, fasting plasma glucose, and blood pressure.

Tobacco use continues to be a significant public health concern and a leading cause of preventable death in the United States. In addition, because of the addictive nature of nicotine, experimentation or initiation of tobacco use among youth, during a time of growth and development when the brain may be especially susceptible and sensitive to the effects of nicotine, is particularly troubling.^{1 2} Evidence also shows that nicotine dependence and smoking intensity are strongly correlated with younger ages of smoking initiation.^{3 4}

Currently, in the state of Wisconsin, cigarettes are required to be sold from behind a store’s counter. However, other tobacco and nicotine products such as cigarillos and little cigars can be placed out on the “floor” of a retail establishment and within visible sightlines of customers, including children. Many of these other products are also made in flavors that are attractive to young people. By keeping these other tobacco products “behind the counter,” like cigarettes, this legislation will help limit accessibility to youth.

AB 225 and SB 307 provide a common-sense way to address youth access to these harmful products, and ultimately save lives. On behalf of the American Heart Association, we thank you for your time and ask for your support of this legislation. If you have questions, please feel free to contact me at Ben.VanPelt@heart.org or 815-474-3973.

¹ Chambers RA, et al. (2003). Developmental neurocircuitry of motivation in adolescence: a critical period of addiction vulnerability. *American Journal of Psychiatry*.160(6):1041-52.

² Ferber, HJ. (2015). AAP releases multiple policies to protect youths from tobacco, nicotine. AAP News. Retrieved from: https://www2.aap.org/richmondcenter/pdfs/AAPNews_Oct2015_TobPolicies_SOTCo.pdf Accessed on December 2, 2015.

³ Centers for Disease Control and Prevention. (2012). Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Retrieved from: <http://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf>. Accessed on November 3, 2015.

⁴ Buchmann, A. F, et al. (2013). Early smoking onset may promise initial pleasurable sensations and later addiction. *Addiction Biology* 18(6):947-954

TO: Members, Assembly Committee on State Affairs
FROM: Ann Dodge, Pediatric Nurse Practitioner and Chair of the American Heart Association Wisconsin Advocacy Committee
DATE: December 20, 2017
RE: Support of Assembly Bill 225 and Senate Bill 307

Dear Chairman Swearingen and Committee Members,

Thank you for allowing me the opportunity to submit written testimony in support of two important bills; Assembly Bill 225 and Senate Bill 307. These bills are critical in making sure that our children across the state have a safeguard against tobacco marketing and placement.

At the current time, tobacco and nicotine products such as cigarillos and little cigars can be placed on the "floor" and near the checkout counter of a retail store within clear view of all customers, including children. These are often placed near candy, with many colors and labels that don't clearly indicate that they are tobacco or nicotine products. The flavors are fruity and trendy, which are very seductive to a young audience. By keeping these other tobacco products "behind the counter," this legislation would help limit access which is key in preventing nicotine addiction, based on my experience as a pediatric nurse practitioner specializing in tobacco cessation.

In my practice as a Pediatric Cardiology Nurse Practitioner at American Family Children's Hospital in Madison WI, I have helped implement a cardiac prevention clinic to help teenagers and their parents quit the use of tobacco and nicotine products. One of the most common things I hear from them is how difficult it is to quit, and that they wished they had never started using tobacco products in the first place. "Turn back the clock" is a common theme from my tobacco addicted patients, as many regret the first time they ever used tobacco or nicotine products. This is why it is so extremely important to keep these "other" products that are typically marketed toward youth with bright colors and "fun" flavors away from young buyers and "behind the counter." I have seen these products placed alongside candy or food products that appeal to kids, so that some kids who never even had the intent to purchase tobacco or nicotine products have done so due to this easy and appealing access.

Nicotine is known as one of the most addictive substances to the human brain, and therefore it is crucial we avoid first exposure in young people by inhibiting this easy access.¹ Evidence also shows that nicotine dependence and smoking intensity are strongly correlated with younger ages of smoking initiation.^{2 3} Tobacco and nicotine exposure is cumulative as far as harm over one's lifetime.

If this legislation could prevent earlier exposure to these tobacco/nicotine products, we will greatly reduce the harm that these products create, including cancer, chronic obstructive pulmonary disease, and early heart disease. Please support AB 225 and SB 307.

Sincerely,

Ann Dodge, APNP
Chair, AHA WI Advocacy Committee

¹ Ferber, HJ. (2015). AAP releases multiple policies to protect youths from tobacco, nicotine. AAP News. Retrieved from: https://www2.aap.org/richmondcenter/pdfs/AAPNews_Oct2015_TobPolicies_SOTCo.pdf Accessed on December 2, 2015.

² Centers for Disease Control and Prevention. (2012). Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. Retrieved from: <http://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf>. Accessed on November 3, 2015.

³ Buchmann, A. F, et al. (2013). Early smoking onset may promise initial pleasurable sensations and later addiction. *Addiction Biology* 18(6):947-954

TO: Members, Assembly Committee on State Affairs
FROM: Brad Gast, Citizen and volunteer advocate for the American Heart Association
DATE: December 20, 2017
RE: Support of Assembly Bill 225 and Senate Bill 307, other tobacco product placement

Dear Chairman Swearingen and Committee Members,

I appreciate the opportunity to provide written testimony in support of Assembly Bill 225 and Senate Bill 307. These important bills ensure that all tobacco products and nicotine products are kept in locations inaccessible to consumers, or "behind the counter."

As a state volunteer advocate for the American Heart Association, Board President of Childcaring, an agency focused on healthy children in central Wisconsin, Board Member for Healthy Marathon County, and a father of 3 children, I am passionate for the health and welfare of our children. Tobacco and other nicotine products are one of the greatest risks to their health. The tobacco industry spends an estimated \$155.8 million in Wisconsin on marketing each year, with efforts to draw children to tobacco.

I have seen firsthand the impact of these marketing dollars my community with tobacco floor displays and strategic placement near children's items. In Marathon County, these marketing efforts have increasingly targeted children. As a part of our county health assessment of our tobacco retailers in 2017, 93% sold cigarillos, little cigars, and/or blunts on the sales floor. Even more concerning, we found these displays strategically placed splayed next to candy (Figure 1, on back) and stuffed animals (Figure 2, on back) and priced for less than \$1 each (Figure 3, on back). We also found 20% retailers had tobacco-related advertisement within 3' of the floor, or child level. All of these factors makes access to youth much easier.

Tobacco continues to be one of the biggest threats to the health of my community. Children throughout Wisconsin communities deserve a healthy and vibrant start to their lives. I urge you to support AB 225 and SB 307. Keeping harmful tobacco products behind the counter is an easy way to improve health and save lives. On behalf of my family, Marathon county, and Wisconsinites concerned about health, I thank you for your time and ask for your support of this legislation. If you have questions, please feel free to contact me at bgast80@aim.com or 715.212.5614.

Brad Gast, Weston, WI
State Volunteer for the American Heart Association
President of Childcaring
Healthy Marathon County Board Member
Proud parent of 3 children

2017 Marathon County tobacco assessment

Figure 1: Tobacco Display found next to candy



Figure 2: Tobacco next to stuffed animals



Figure 3: Tobacco priced under \$1 on the sales floor -

