

## PUBLIC POLICY POSITION

**POSITION TITLE:** Tobacco and Health  
**DATE REVISED:** June 25, 2021

### **POLICY PRINCIPLE ON TOBACCO**

The American Lung Association will create a tobacco-free future. Tobacco is a highly addictive substance and tobacco products cause disease and death. The American Lung Association supports measures to eliminate tobacco use by youth, to eliminate exposure to secondhand smoke, to promote access to comprehensive cessation treatments and to deter tobacco use in the population through legislation, regulation, litigation, media advocacy and education.

Certain communities and populations are disproportionately impacted by tobacco use and exposure to secondhand smoke, including Black Americans and other communities of color, persons with lower incomes or education, American Indian or Alaska Native persons, and LGBTQ persons. To create a tobacco-free society, these disparities in tobacco use and exposure to secondhand smoke must be eliminated.

### **YOUTH**

#### **Prevention**

The American Lung Association supports measures to prevent tobacco use by children and youth. To achieve this goal:

##### **Tax**

- Tobacco excise taxes must be increased by a significant amount to deter consumption and promote cessation and be equalized at the highest level across all classes of products.

##### **Sales**

- Clerk intervention for sale of all tobacco products must be required. Self-service displays and vending machines must be eliminated.
- Tobacco retailers must be licensed. Those who sell to underage persons must face strict, graduated financial penalties and loss of license. Enforcement of these laws must be diligently pursued and should include using underage persons in compliance checks.
- The minimum age of sale for tobacco products should be 21.

##### **Marketing**

- Tobacco product sampling and promotion must be prohibited.
- Tobacco-industry branded merchandise must be eliminated.
- Mail order, Internet promotion and other marketing mechanisms for tobacco products must be prohibited.
- Tobacco use should be eliminated from new movies especially movies, television shows as well as streaming content intended for children, teens and general audiences.

### **Industry Penalties**

- Increasingly stringent, tobacco company- specific, performance standards should be set to reduce children's use of all forms of tobacco. Failure to reduce children's use must result in severe, graduated penalties.

### **Flavors**

- The American Lung Association strongly supports the removal of all flavored tobacco products from the marketplace, including menthol cigarettes, flavored cigars, smokeless, flavored e-cigarettes and hookah.

### **Warnings**

- The American Lung Association strongly supports effective warning labels on all tobacco products, including graphic warning labels on 50% of the front and back of all cigarette packs.

### **Possession**

The American Lung Association opposes laws that punish underage possession. Civil or criminal penalties on underage possession or purchase of tobacco products have not been demonstrated to be an effective tobacco control strategy and should be eliminated.

## **REGULATION**

### **FDA Authority**

All tobacco products must be regulated. The American Lung Association supports rigorous, unfettered enforcement of and full funding for the Family Smoking Prevention and Tobacco Control Act to ensure the Food and Drug Administration's regulatory authority over the manufacture, sale, distribution, labeling, marketing and promotion of all tobacco products is complete.

### **Reduced Harm Products**

Alleged reduced-harm tobacco products, including e-cigarettes, discourage tobacco users from ending their addiction and have not been shown to reduce risks to tobacco users. Unproven health and reduced harm claims may reduce quit attempts and promote initiation, and the American Lung Association does not support them.

Any claims made with regard to such products must be thoroughly and regulated by the Food and Drug Administration using the Tobacco Control Act's public health standard, including consideration of:

- the product's relative health risks to individuals;
- the increased or decreased likelihood that existing users of tobacco products who would otherwise stop using such products will switch to the product;
- the increased or decreased likelihood that persons who do not use tobacco products will start using the product;
- the risks and benefits to persons from the use of this product as compared to the use of products for tobacco cessation.

### **Advertising**

The American Lung Association supports all constitutionally-permitted measures to restrict or eliminate all forms of tobacco advertising and promotion, including on gaming, social

and other media platforms. The protection and preemption clauses on cigarette advertising and promotion in the federal Public Health Cigarette Smoking Act of 1969 must be repealed.

### **Right-to-Know**

The American Lung Association supports the public's right to know all information about tobacco products including public disclosure and testing of ingredients and additives. All tobacco documents pertaining to public health or industry misconduct, including those claimed to be privileged must be disclosed to the public.

### **Targeting**

The American Lung Association supports measures to eliminate the tobacco industry targeting of youth, women, communities of color, LGBTQ, the economically disadvantaged and other populations.

### **RETAIL DENSITY**

#### **Number of Tobacco Retailers**

The American Lung Association supports efforts to reduce the number of retailers that sell tobacco products, including in economically disadvantaged areas and in communities of color.

#### **Pharmacies**

The American Lung Association supports halting the sale of all tobacco products at retailers with pharmacies.

### **INTERNATIONAL**

#### **Framework Convention on Tobacco Control**

The American Lung Association supports the United States ratification of the Framework Convention on Tobacco Control and the implementation of the treaty around the world.

#### **Trade**

The American Lung Association supports measures to eliminate government promotion of the export, marketing or sale of tobacco products. Tobacco must not be considered as an item for trade negotiations.

#### **Protecting Children Abroad**

The American Lung Association supports measures by the government that will actively promote tobacco control worldwide. Tobacco companies should be required, at a minimum, to follow the same restrictions on youth access and marketing abroad as are established in this country.

### **SMOKEFREE ENVIRONMENTS**

The American Lung Association supports measures to require totally smokefree environments to protect public health.

### **ACCOUNTABILITY**

#### **No Immunity or Liability Protection for the Tobacco Industry**

The American Lung Association supports preserving all available avenues for citizens,

governments and others to bring actions against the tobacco industry, including the ability to bring class actions, use all lawful means to join cases and seek punitive damages. Tobacco executives, lawyers and agents must not be shielded from civil or criminal liability. The civil justice system's ability to address industry misconduct and protect public health must not be preempted. Any action to shield parent corporations or foreign affiliates of domestic tobacco companies from liability for their conduct must be opposed.

## **PUBLIC HEALTH**

### **Tobacco Funds**

The American Lung Association supports significant increases in tobacco excise taxes, equalizing taxes at the highest level across tobacco products and other mechanisms to raise the price of tobacco products. Tobacco-related revenues from excise taxes, government litigation and other mechanisms should fund tobacco prevention, education, cessation, research and enforcement programs.

### **Tobacco Prevention and Cessation Programs**

The American Lung Association supports funding of evidence-based tobacco prevention, education and cessation programs at CDC-recommended levels by appropriate entities. These programs should focus their efforts on the populations most disproportionately impacted by tobacco use and secondhand smoke exposure in each state. Tobacco and health education should be included in school curricula.

### **Research**

The American Lung Association supports increased biomedical and behavioral research, including research on the health effects of tobacco use, secondhand smoke exposure and cessation, especially among youth and other disproportionately affected communities.

### **Cessation Coverage**

The American Lung Association supports unrestricted access to a comprehensive tobacco cessation benefit for all tobacco users. A comprehensive benefit includes all FDA-approved treatments and types of counseling recommended by the U.S. Public Health Service and U.S. Preventive Services Task Force

## **TOBACCO INDUSTRY TACTICS**

### **Preemption**

The American Lung Association opposes all forms of preemption of state and local tobacco control authority. The ability of any government entity to enact tobacco control legislation is a cornerstone of an effective tobacco control policy. There is no trade-off worth the price of preempting a state or community's right to pass tobacco control legislation.

### **Sponsorships and Partnerships**

The American Lung Association supports the elimination of tobacco industry sponsorships. Community, cultural, sports, entertainment, youth and other organizations should refrain from lending their names, engaging in partnerships or accepting donations from tobacco companies.

**Ethics and Campaign Finance**

The American Lung Association supports strict ethics laws, campaign finance reform and other mechanisms to reduce the tobacco industry's influence on our elected officials and the public policy process.

**So-called "Smoker's Rights" Laws**

The American Lung Association opposes laws that elevate smokers to a protected class.

**GOVERNMENT SUPPORT OF TOBACCO**

The American Lung Association opposes all government support for the growth, production, promotion, manufacturing and sale of tobacco and tobacco products. Economic transition assistance for tobacco growers and workers should be supported. Tobacco production should be phased out.

**DIVESTMENT**

The American Lung Association supports measures to prohibit the investment of public funds, including Social Security and employee pensions, in tobacco companies. Divestment of tobacco company holdings by the public and private sectors should be supported

**FIRE PREVENTION**

The American Lung Association supports measures to eliminate fires caused by tobacco products.