



**TOBACCO FREE KANSAS**  
COALITION

March 22, 2023

To: Senate Federal and State Affairs Committee  
RE: Neutral Testimony RE: HB 2269

Chair Thompson and members of the Senate Committee on Federal and State Affairs:

On behalf of the Tobacco Free Kansas Coalition Board of Directors and nearly 300 members across the state, TFKC is providing neutral testimony on HB 2269.

The Tobacco Free Kansas Coalition (TFKC) is a statewide alliance of health, medical, education, law enforcement, health coalitions, parents, youth, and individuals advocating for policies, and evidence-based programs to significantly reduce tobacco use and addiction in Kansas. Our mission is to eliminate the use of commercial, non-sacred tobacco to achieve health equity through advocacy, education, and collaboration.

While we see the need to align state statute with the current federal law setting the minimum legal age of tobacco sale at 21, we believe that the state of **Kansas can do better** in protecting our youth from a lifetime of tobacco use and addiction than the technical fix offered by HB 2269. Specifically:

TFKC notes that HB 2269 retains current penalties on youth for purchase, use and possession (PUP) of tobacco products. Evidence indicates that penalizing youth is not an effective tobacco control strategy. Penalties for youth may divert attention from more effective tobacco control strategies, like strengthening retailer penalties who illegally sell tobacco, e cigarettes and other nicotine products to youth.

It also relieves the tobacco industry of responsibility for its marketing practices and retailers' irresponsible sale to minors. The state's recent \$9.9 million settlement against JUUL was the result of an investigation in which former Kansas Attorney General Schmidt found JUUL willfully engaged in advertising campaigns appealing to youth. We shouldn't hold kids responsible for our failure to protect them.

We also recommend the addition of e-cigarettes to the definitions of "smoke" and "smoking." Secondhand vape aerosol particles, like secondhand smoke, are harmful to

people who inhale them because they contain a variety of harmful chemicals, including nicotine, heavy metals, aldehydes, glycerin, and flavoring substances that are inhaled by people who do use e-cigarettes but are present where others are using them. We highly recommend updating language to ensure definitions include emerging harmful tobacco and nicotine products such as synthetic nicotine.

HB 2269 is an inevitable step in the right direction for the protection of our youth from the harm and death that can come from tobacco addiction. We are neutral on HB 2269 because we think that Kansas can and should do better.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Sara Prem". The signature is written in black ink and is positioned to the left of the typed name and title.

Sara Prem  
President, Tobacco Free Kansas Coalition  
Founding Partners: American Cancer Society Cancer Action Network, American Heart Association and the American Lung Association.