



Date: February 6, 2026

To: Chair Clarkson and Senate Economic Development Committee Members

From: Tina Zuk, Government Relations Director, American Heart Association

Re: Testimony on S.198, tobacco retailer licensure and prevention

Please accept this written testimony on behalf of the American Heart Association in support of S.198.

Strong tobacco retail licensure (TRL) requirements are an effective policy tool to limit youth initiation of tobacco products, as well as to prevent access and continued usage of these products. They also reduce the socioeconomic disparities in tobacco use.

Provisions of this bill meet our organization's TRL requirements, including:

- An annual license fee that is high enough to cover the cost of enforcement and compliance
- Escalating monetary compliance check failure penalties paid by the retailer, with a license suspension of at least 15 days by the third offense (which must be consecutive), and license revocation by the fourth offense
- No criminal or monetary penalties for youth use and possession
- Penalty for selling tobacco products without a license

Considering the economic health of this state must include the impact of escalating health care costs, and ways to reduce those. You may recall, just a few years ago, we noted that the annual cost of treating illnesses caused by tobacco-use in Vermont was \$348 million. It's now risen to \$404 million annually to treat tobacco-caused diseases in Vermont, including \$93.7 million in direct Medicaid expenditures.ⁱ This figure will only grow with all of the tempting and deceptive tobacco products geared to youth and without strengthening the laws that were designed to protect kids from them.

It's concerning that the PACE-VT data from 12-25 year-olds shows that 38% use cigarettes and 26% use vaping products.ⁱⁱ While this data does indeed include those old enough to purchase tobacco, we are hearing from schools that the problem is not decreasing. Youth are being exposed to products early such as puff-to-play devices, vapes that look like candy, toys and school supplies. 512 confiscated vape devices over two years at VT schools highlights the fact that more has to be done to eliminate access. Hooking kids early ensures they will use at the high rates noted above when they leave school.

With the consumer protection charge of this committee, we urge you to support this legislation as it will strengthen Vermont's tobacco laws to ensure dangerous tobacco products are not sold to Vermont youth. It sends a message that the health of Vermont's youth is a priority, and selling illegal tobacco products to them will not be tolerated.

It places the onus on retailers who should be following the laws and not on youth who are increasingly becoming addicted to these harmful and deceptive products as a result of aggressive marketing by the industry.

An important piece of this legislation is that it eliminates penalties against youth for purchase, use and possession (PUP) of tobacco. Taking away these penalties will encourage addicted youth to come forward to get the help they need. Youth Purchase Use or Possession (PUP) laws are not effective public health prevention, because they:

- **Distract from more effective enforcement measures:** Penalizing kids is not an effective strategy to reduce youth tobacco use, a finding that is even more relevant when the behavior in question is addictive.¹
- **Make kids, many of whom are addicted to tobacco, the victims.** PUP laws unfairly punish and stigmatize kids, many of whom become addicted because of the tobacco industry's aggressive marketing to kids.
- **Prevent youth from seeking counseling or cessation resources for fear of being fined.**
- **Are not a proven measure for reducing youth smoking.** Tobacco companies, including Reynolds America, and their allies have a history of supporting PUP laws as alternatives to tougher tobacco industry regulations that would produce greater declines in youth smoking.

Tobacco and e-cigarette manufacturers claim they do not target youth. Yet, they sell kid-appealing, flavored tobacco products, produce colorful, tech-savvy designs and promote these products through social media. This bill also addresses that by eliminating the marketing and sale of deceptive products. But we must also not punish the kids who are addicted as a result of this deceptive and aggressive marketing.

- **PUP laws are also inequitable because they disproportionately affect youth of color.**
- Youth of color are more likely to smoke because these populations have been targeted via advertising and retailer placement by the tobacco industry.^{iii iv} **This is one reason the Windham County NAACP chapter has sent testimony in support of this bill.**
- In addition to carrying a higher burden of tobacco-related harm, African American and Hispanic youth report higher citation rates than their white peers even after accounting for smoking frequency.^v These findings mirror disparities recorded throughout criminal justice and school disciplinary systems.
- Enforcement of PUP laws also disproportionately affects youth from low-income communities. High smoking rates are correlated with low income, and there are more tobacco retailers and advertisements in less affluent areas.^{vi} Consequently, low-income youth are more likely to smoke and to be affected by PUP laws.

Vermont youth are still obtaining tobacco products. Loon's targeting of VT retail outlets and the correlating high use of that product by Vermont youth (as shown in previous testimony) clearly show that youth access tobacco products at Vermont stores, and we know online sales are still a problem despite Vermont's online sales ban.

This legislation will address both. It levels the playing field for tobacco retailers, allows better tracking of tobacco sales and puts a greater emphasis on protecting youth. We urge you to pass it. Thank you for your consideration.

¹ 1 Wakefield, M, and Giovino, G, "Teen penalties for tobacco possession, use, and purchase: evidence and issues," Tobacco Control, 12(Suppl1):i6-i13, 2003; Jason, LA, et al., "Youth Tobacco Sales-to-Minors and Possession-Use-Purchase Laws: A Public Health Controversy," J Drug Education, 35(4):275-290, 2005.

ⁱ <https://www.tobaccofreekids.org/problem/toll-us/vermont>

ⁱⁱ https://www.healthvermont.gov/sites/default/files/document/hpdp-tcp-addressing-vaping-schools-toolkit_0.pdf

ⁱⁱⁱ Bach, L. Tobacco Company Marketing to Kids. Washington, DC: Campaign for Tobacco-Free Kids. www.tobaccofreekids.org/assets/factsheets/0008.pdf . Accessed on March 5, 2019.

^{iv} American Lung Association, Campaign for Tobacco-Free Kids, American Cancer Society, et al. Achieving Health Equity in Tobacco Control. truthinitiative.org/sites/default/files/Achieving%20Health%20Equity%20in%20Tobacco%20Control%20-%20Version%201.pdf. Published December 8, 2015. Accessed on March 5, 2019.

^v Gottlieb NH, Loukas A, Corrao M, McAlister A, Snell C, Huang PP. Minors' tobacco possession law violations and intentions to smoke: implications for tobacco control. *Tobacco Control*. 2004;13(3):237.

^{vi} American Lung Association, Campaign for Tobacco-Free Kids, American Cancer Society et al. Achieving Health Equity in Tobacco Control. truthinitiative.org/sites/default/files/Achieving%20Health%20Equity%20in%20Tobacco%20Control%20-%20Version%201.pdf.