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2009 OREGON TOBACCO CONTROL REPORT CARD GRADES MIXED

Fight to Increase Smokeless Tobacco Tax Succeeds; Other Battles Fail

*Policies to Protect Citizens from Tobacco-Related Disease and Death
Fall Short of Nationwide Goals*

Editor's Note: Complete report including federal and state grades available at:
www.stateoftobaccocontrol.org.

Portland, Ore. – [Jan. 12, 2010]—Oregon's tobacco control policies earned mixed grades in the *American Lung Association's State of Tobacco Control 2009* report released today. Low marks went to Cigarette Tax (D) and Tobacco Prevention and Control Spending (F), while high marks were awarded for Smokefree Air (A) and Cessation Coverage (B). The annual report card is a vital measure of Oregon's progress in combating death and disease caused by tobacco use.

"Although the report card gives grades for the adequacy of tobacco control programs, this exercise isn't academic," said Sue Fratt, CEO for the American Lung Association in Oregon. "The consequences of success or failure on this report are life or death."

"Oregon's leaders are making progress when it comes to banning vending machine tobacco sales in youth accessible areas, or requiring landlords to inform tenants of their potential exposure to secondhand smoke, but it is imperative that we hold our leaders accountable for failing to implement the full range of policies proven to prevent death and disease caused by tobacco use," added Fratt. "The American Lung Association in Oregon fought hard in 2009 to increase the state's cigarette tax and fund Oregon's Tobacco Prevention and Education Program, but this effort was stalled due to lack of support from legislators – despite 67 percent of Oregonians supporting an increase in the state tobacco tax by at least 60 cents (December 2008)."

State of Tobacco Control 2009 grades states and the District of Columbia on smokefree air laws; cigarette tax rates; tobacco prevention and control program funding; and coverage of cessation treatments and services, designed to help smokers quit.

Tobacco-related illness remains the number-one preventable cause of death in the U.S. and is responsible for an estimated 4,981 deaths in Oregon. Tobacco-related illness kills more than 393,000 Americans each year and costs our nation a staggering \$193 billion annually. Another 50,000 Americans die from exposure to secondhand smoke. The U.S. Surgeon General has declared that there is no safe level of exposure to secondhand smoke.

During 2009, American Lung Association in Oregon achieved several legislative victories in the area of tobacco control, including:

- **Vending Machine Ban:** Prohibiting the distribution and sale of tobacco products from vending machines in areas accessible to youth.
- **Landlord Disclosure:** Oregon landlords are now required to inform tenants, when a new lease is signed, whether they may be exposed to secondhand smoke. This gives the renter the power to make informed decisions about their living situation.
- **Non-Cigarette Tobacco Tax Increase:** The state effectively increased the tax of non-cigarette tobacco products, such as Snus, Orbs, and chewing tobacco and restricted the marketing of such products to prevent youth from initiating use and thus, addiction.

Still, with more than 16 percent of Oregon high school students smoking on a regular basis and the state's economic costs due to smoking exceeding \$2.1 billion, the fight to reduce the impact of tobacco use in Oregon continues. In the coming years, American Lung Association in Oregon will fight for:

- **Cigarette Tax Increase:** Increase the state's cigarette tax to help prevent youth from beginning to smoke and increase funding for the Oregon Tobacco Prevention and Education Program.
- **Sampling Ban:** Prohibit the act of free sampling of all non-cigarette tobacco products to protect children and young adults from becoming addicted.

The American Lung Association report comes at a critical moment, when states cannot afford any complacency in efforts to curb the enormous burden of tobacco use. Events in 2009 underscored both the continuing devastation resulting from tobacco-caused disease and the outlaw character of the tobacco companies' schemes:

- Tobacco Epidemic Persists
The U.S. Centers for Disease Control and Prevention (CDC) reported that 46 million adults in the U.S. were smoking, according to the most recent (2008) survey data, and that the nation's "progress in ending the tobacco epidemic" had halted. The findings "indicate an alarming trend," the CDC warned in November, "because smoking is the leading preventable cause of death."
- Court Affirms that Tobacco Companies are "Racketeers"

In the District of Columbia, a U.S. appeals court upheld a trial judge's verdict that tobacco companies violated federal laws against racketeering and lied for decades to deceive the public about the dangers of smoking.

The May 22 opinion was important not only for its findings about the past, but also for the troubling concerns it raised about the future. The tobacco companies, the court said, "knew about the negative health consequences of smoking, the addictiveness and manipulation of nicotine, the harmfulness of secondhand smoke, and the concept of smoker compensation, which makes light cigarettes no less harmful than regular cigarettes and possibly more." In the future, the appeals court held, the tobacco companies were likely to violate racketeering laws again.

State Grades

"It is time for Oregon's elected officials to redouble efforts to reduce tobacco use, which is at the heart of a crisis plaguing America's health and economy," said Fratt. "It will require strong policies coming from both Salem, Ore. and Washington, D.C. to end the tobacco epidemic."

"We cannot sit back and allow Oregon to continue to receive failing Tobacco Prevention and Control Spending grades. These programs are proven to reduce youth tobacco use and prevent needless death from tobacco. We also know that increasing cigarette taxes is the number one way to reduce youth tobacco initiation," said Fratt. "It's time for our lawmakers to take a stand for Oregon's youth and the economic situation of our state; it's time to increase the state's cigarette tax."

Six states—Alabama, Kentucky, Missouri, South Carolina, Virginia and West Virginia—received all "F's." No state earned straight "A's" in *State of Tobacco Control 2009*.

Facing record budget deficits, 14 states turned to cigarette taxes to increase revenues.

Nonetheless, only four states qualified for an "A" grade in this category by imposing cigarette excise taxes of \$2.68 or more.

Four proven policies to save lives and cut health care costs are higher tobacco taxes, prevention and control programs funded at levels recommended by the Centers for Disease Control and Prevention, comprehensive smokefree air laws and coverage of cessation treatments. Many states, however, continue to fail to enact these critical policy measures. Instead, state-level political candidates accepted more than \$7 million in campaign contributions from the tobacco industry in 2007-2008 and more than \$670,000 through the first 11 months of 2009.

Federal Grades

The federal government took major and meaningful steps in 2009 to curb the burden caused by tobacco use. For two decades the American Lung Association has sought legislation for FDA regulation of tobacco products. Congress finally passed the legislation early in 2009. President Obama signed it June 22.

Congress also more than doubled the federal cigarette tax, from 39 cents to \$1.01 per pack. In addition, both chambers of Congress passed health care reform legislation that could expand coverage under Medicaid, Medicare and private insurance for helping smokers quit.

The 2009 annual report card gives the federal government an “A” for FDA regulation of tobacco products and a “D” for the federal cigarette tax, along with an “F” for cessation coverage and a “D” for ratification of the Framework Convention on Tobacco Control (a treaty aimed at reducing tobacco use globally). The Obama administration has not submitted the treaty to the Senate for ratification, leaving the U.S. unable to participate in talks to implement and enforce the treaty.

Oregon is one of 26 states and the District of Columbia that have passed comprehensive smokefree workplace laws protecting the public and workers from the dangers of secondhand smoke. The American Lung Association is dedicated to protecting each and every American from secondhand smoke through its Smokefree Air Challenge, a nationwide campaign to eliminate exposure to secondhand smoke in all work and public places.

To calculate grades published in *State of Tobacco Control 2009*, the American Lung Association compared policies against targets based on the most current, recognized scientific criteria for effective tobacco control, or policies that are the best in the nation.

About the American Lung Association in Oregon (ALAO)

[The American Lung Association in Oregon \(ALAO\)](http://www.lungoregon.org) is the oldest national, voluntary public health nonprofit organization in Oregon. Headquartered in Portland, Ore., the organization’s mission is to save lives by improving lung health and preventing lung disease. ALAO’s core program focuses are asthma, clean air, tobacco prevention and lung disease. ALAO uses public education and research, and encourages policy change, to decrease the effects of lung disease in the state. The nonprofit is funded by grants and public donations and is a certified State of Oregon 501 (c)(3). More information is available online at: www.lungoregon.org.

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