

Sustaining North Dakota's Tobacco Prevention Funding:

SAVING LIVES, SAVING MONEY. THE VOICE OF THE PEOPLE.

What is the Tobacco Prevention and Control Trust Fund:

- The initiated measure passed by voters in 2008 gives North Dakota's public health community the tools necessary to significantly reduce the toll of tobacco in our state by addressing the number one preventable cause of death and disease: tobacco use.
- The 2008 initiated measure requires that a portion of North Dakota's tobacco settlement dollars - not tax dollars- are used for tobacco prevention and control programs.
- It requires that, \$9.3 million annually, be used to fund a comprehensive, statewide program to significantly reduce tobacco use in North Dakota over a matter of years, rather than over decades and lifetimes.
- To effectively utilize initiated measure funds most cost-effectively, North Dakota has developed a Comprehensive State Plan with 4 major goals:
 - ◆ Prevent initiation of tobacco use among youth and young adults
 - ◆ Eliminate exposure to secondhand smoke
 - ◆ Promote quitting tobacco use
 - ◆ Build capacity and infrastructure to sustain evidence-based tobacco prevention and control programming
- While deposits into the Common Schools, Water Development and Community Health trust funds continue in perpetuity, there are only six more deposits that will go into The Tobacco Prevention and Control Trust Fund. A comprehensive tobacco prevention program will require time beyond 2017 to reduce to the toll of tobacco in North Dakota and the Tobacco Prevention and Control Trust Fund will allow that work to continue several years after the deposits are complete.

First Biennium Successes:

- With an increased focus on implementing Comprehensive Tobacco Free School Policies, North Dakota has seen a 68% increase in the number of school districts/private schools that have adopted and implemented such policies (from 60 districts to 101 districts.) Grand Forks Public Schools adopted the comprehensive policy in April 2011.
- There are now 12 North Dakota colleges/universities that have implemented a tobacco-free or smoke-free campus policy; an increase of 100% in the first biennium.
- With the addition of 4 North Dakota cities that have implemented comprehensive smoke-free ordinances, a 106% increase was seen in the number of North Dakota residents that are now protected from the dangers of secondhand smoke.

First Biennium Successes (Continued)

- As a result of the passage of Grand Forks' Comprehensive Smoke-free Ordinance in April 2010, a 92% reduction was observed in indoor air particle pollution, one year later.
- The Public Health Service Guidelines *Treating Tobacco Use and Dependence, Clinical Practice Guideline* have been implemented in all client-based programs in all 28 local health departments across the state. This assures that every tobacco user accessing public health services in any county is ASKED about tobacco use, ADVISED to quit, and REFERRED to the North Dakota Tobacco Quitline, the North Dakota QuitNet, or other cessation services if they are interested in quitting.
- Monthly North Dakota Quitline enrollment numbers have increased 80% (161 in July 2009 to 289 in March 2010).
- A five-fold increase in QuitNet web sessions was observed from July 2010 (821 sessions) to June 2011 (4695 sessions).
- North Dakota's adult smoking rate decreased from 18.6% in 2009, to 17.4% in 2010.

The Road Ahead

- Research shows that the MORE states spend on comprehensive tobacco control programs, the GREATER the reductions in smoking—and the LONGER states invest in such programs, the GREATER and FASTER the impact.
- By continuing to appropriate funding from the 2008 initiated measure, efforts are sustained to significantly reduce the following:
 - ◆ 5.2% of North Dakota adults and 15.3% of high school students use smokeless tobacco
 - ◆ 17.4% of North Dakota adults and 19.4% of high school students currently smoke cigarettes
 - ◆ Each year, tobacco use imposes a tax burden of \$564 on each North Dakota household
 - ◆ \$247 million in annual health care costs in North Dakota are directly caused by smoking
 - ◆ North Dakota spends \$47 million annually in Medicaid health expenditures caused by tobacco
- Preventing and reducing tobacco use through policies and systems changes, such as passing comprehensive smoke-free laws and increasing the tobacco excise tax, will help the most people in the most cost effective way.
- Since the Tobacco Prevention and Control Fund was created by an initiated measure- the voice of the people- we hold an even greater responsibility to demonstrate accountability directly to the public to make sure we significantly reduce tobacco use and the toll tobacco takes on our health and economy.



Smoke-free Environments

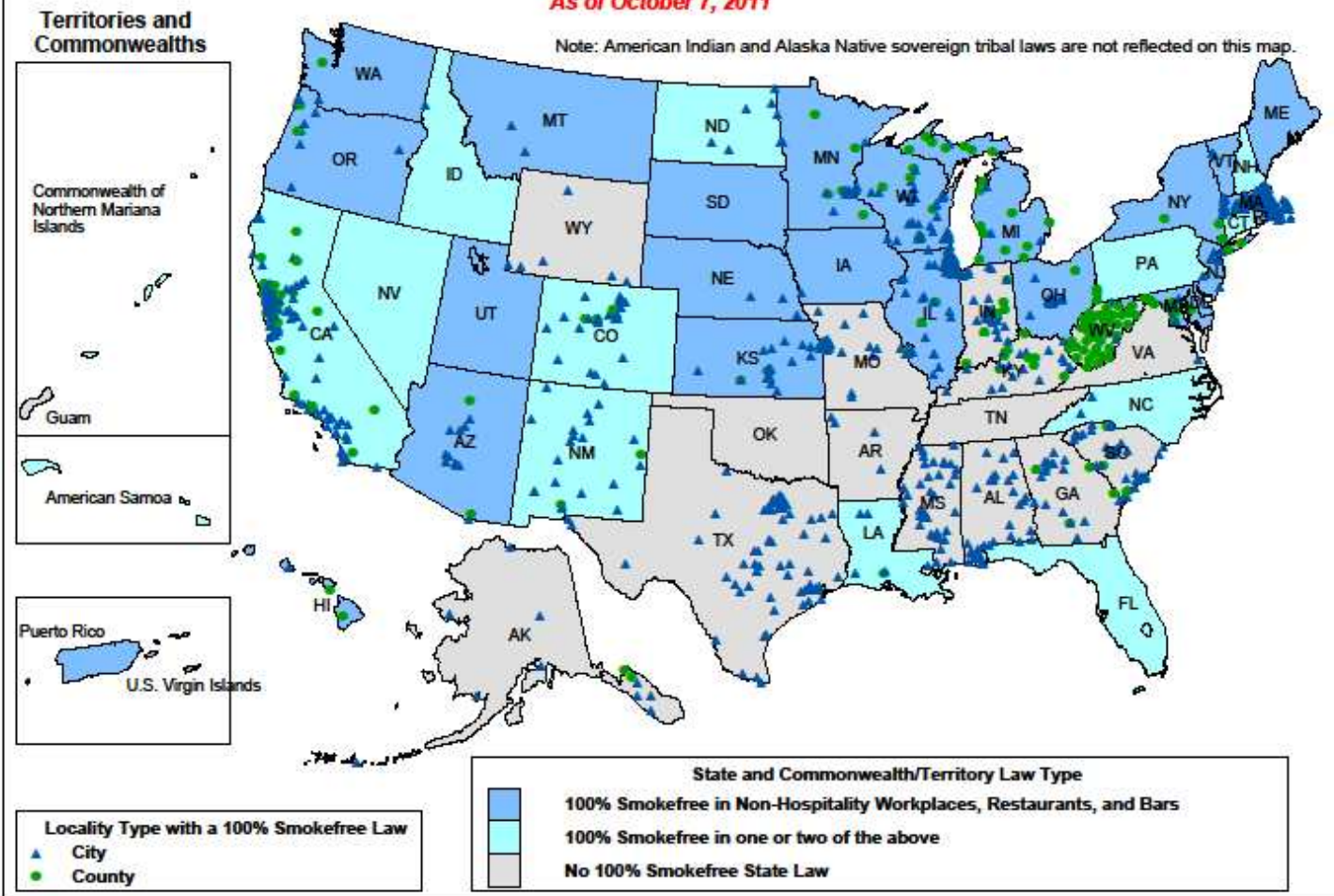
- The **2006 U.S. Surgeon General's Report** on *The Health Consequences of Involuntary Exposure to Tobacco Smoke* concluded that:
 - ◆ There is “no risk-free level of exposure to secondhand smoke.”
 - ◆ The only way to fully protect people from the dangers of secondhand smoke is to implement comprehensive smoke-free policies.
 - ◆ Evidence from peer-reviewed studies shows that smoke-free policies and regulations do not have an adverse economic impact on the hospitality industry.
- With the release of the **2010 U.S. Surgeon General's Report** on *How Tobacco Smoke Causes Disease*, there are now 29 reports from the Office of the Surgeon General that document overwhelming and conclusive evidence that **TOBACCO USE IS DEADLY**.
- As the body of scientific evidence becomes larger and more precise, it is now possible to prove that smoke-free policies protect nonsmokers from the death and disease caused by exposure to secondhand smoke. Studies show that smoke-free laws can reduce heart attack admissions to the Emergency Room by up to 47% in the first year. (Institute of Medicine, October 2009, *Secondhand Smoke Exposure and Cardiovascular Effects*)
- Everyone deserves the right to breathe clean air.
- Smoke-free policy does not “target” smokers— it protects everyone from harms caused by secondhand smoke.
- Smoke-free environments help decrease tobacco use rates (both youth and adult) by creating a social norm where smoking is socially less acceptable. Studies show that communities and or states that implement smoke-free legislation see an increase in the need for tobacco cessation resources.
- There is public support for smoke-free environments. Recent state and local opinion surveys show that a majority of North Dakotans support comprehensive smoke-free environments.
 - ◆ 72.9 % of North Dakota adults support a state law eliminating smoking in all workplaces including bars and lounges. (2010 Secondhand Smoke Study of North Dakota)
 - ◆ 82 % of respondents supported expanding the Grand Forks Smoke Free Workplace Ordinance to include all workplaces. (Grand Forks Secondhand Smoke Study, 2010)

United States 100% Smokefree Air Laws

American Nonsmokers' Rights Foundation

As of October 7, 2011

Note: American Indian and Alaska Native sovereign tribal laws are not reflected on this map.



Comprehensive Smoke-free laws now completely surround the state of North Dakota.

Minnesota, Montana, Manitoba, Saskatchewan, and South Dakota have all enacted comprehensive smoke-free laws that include Workplaces, Restaurants, AND Bars.



Grand Forks
Tobacco Free
COALITION

BreatheND
Saving lives, saving money. The voice of the people.

Tobacco Excise Tax

- Based on more than 100 studies and experience in almost every state, experts have concluded that raising tobacco taxes is one of the most effective measures we can take to prevent and reduce smoking, especially among youth.
- Numerous economic studies in peer-reviewed journals have documented that cigarette tax or price increases reduce both adult and underage smoking.
- **Projected public health benefits from raising tobacco excise tax to \$2.00 per pack:**
 - ♦ 25.7% decrease in youth smoking
 - ♦ 5,300 current adult smokers in the state would quit
 - ♦ 3,900 North Dakota residents saved from premature smoking-caused death
- North Dakota, with a state cigarette tax of \$0.44 per pack, is ranked 46th in the nation and is one of only three states that have not had an increase since 1999 or earlier.
- The FY 2009 ND Cigarette Tax revenue was less than \$22 million. The ND State Medicaid Program alone spends \$47 million annually on illnesses and diseases related to smoking.
- Tax increases of less than roughly 25 cents per pack or 10% of the average state pack price do not produce significant public health benefits or cost savings because the cigarette companies can easily offset the beneficial impact of such small increases with temporary price cuts, coupons, and other promotional discounting.
- Tobacco taxes are actually user fees, not regular taxes. Unlike other tax increases, those subject to tobacco tax increases may legally avoid them by quitting their tobacco use or cutting back.

New York Cigarette Tax:
\$4.35 per pack

New York Youth Smoking Rate:
14.8%

North Dakota Cigarette Tax:
\$0.44 per pack

North Dakota Youth Smoking Rate:
19.4%



MAP OF STATE CIGARETTE TAX RATES

Average State Cigarette Tax: \$1.46 per Pack

Average Cigarette Tax in Major Tobacco States: 48.5 cents per Pack

Average Cigarette Tax in Non-Tobacco States: \$1.59 per Pack



Map shows state cigarette tax rates in effect now or will be in effect by August 1, 2011. The three states that have not increased their cigarette tax rate since 1999 or earlier are marked in bold. Currently, 29 states, DC, Puerto Rico, the Northern Marianas, and Guam have cigarette tax rates of \$1.00 per pack or higher; 14 states, DC, Puerto Rico, and Guam have cigarette tax rates of \$2.00 per pack or higher; five states and Guam have cigarette tax rates of \$3.00 per pack or higher; and one state (NY) has a cigarette tax rate more than \$4.00 per pack. The state averages listed above do not include Puerto Rico (with a population larger than those in 20 states) or any of the U.S. territories (such as Guam). The major tobacco states with extensive tobacco farming and, often, cigarette manufacturing, are NC, KY, VA, SC, TN, & GA. Federal cigarette tax is \$1.01 per pack. Not shown are the special taxes or fees some states place on cigarettes made by Non-Participating Manufacturers (NPMs), the companies that have not joined the Master Settlement Agreement (MSA) between the states and the major cigarette companies. Some local governments also have their own cigarette taxes, such as Chicago (88¢), Cook County, IL (\$2.00), New York City (\$1.50), and Anchorage, AK (\$1.452). The U.S. Centers for Disease Control & Prevention estimates that smoking-caused health costs and productivity losses total \$10.47 per pack sold.

Campaign for Tobacco-Free Kids, October 7, 2011 / Ann Boonn

For more information on state cigarette taxes and the benefits from increasing them, see http://www.tobaccofreekids.org/facts_issues/fact_sheets/policies/tax/us_state_local/.

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Preventing Preemption: Keeping Local Control

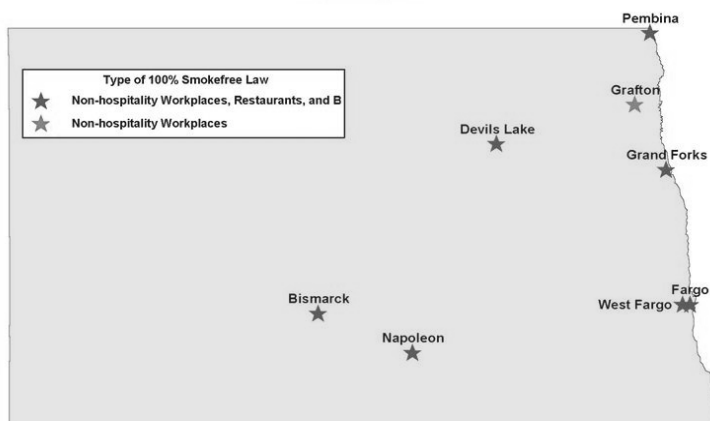
What is Preemption?

- **Preemption**\pre-'em(p)-shen\; n. 1: a provision in state (or federal) law that eliminates the power of local (or state and local) governments to regulate tobacco.
- *Preemption*: A legislative or judicial scheme in which a higher level of government (state or federal) strips lower level governments of their authority over specific subject matter.
- Preemption wipes out local control leaving local officials powerless to enact policies to protect the health and safety of their community.

North Dakota 100% Smokefree Laws

American Nonsmokers' Rights Foundation

As of June 8, 2011



Several North Dakota communities have local comprehensive policies that protect their citizens from the dangers of secondhand smoke.

By avoiding preemption, these policies would continue to protect to the fullest extent in their respective communities, even if a weaker state law is passed.

Why is Local Tobacco Policy Control Important?

- Local policies are easier to enact and strengthen because LOCAL policymakers are most connected to and most responsive to the concerns of their constituents and are less influenced by the tobacco industry.
- Local policies allow LOCAL policymakers to respond to their communities demands for protection from secondhand smoke exposure where they work and play.
- After a preemptive law is enacted, it can take many years of planning and strategic effort to restore local control.

Local Control Fast Facts

- Local elected officials have the right and responsibility to protect the health and safety of their communities, including protecting against the harmful effects of secondhand smoke.
- Advocating for preemptive state laws is one of the tobacco industry's chief legislative strategies to prevent smoke-free air progress.
- *Healthy People 2020* Objective TU-16 calls for the ELIMINATION of state laws that preempt stronger local tobacco control laws.
- The strongest, most innovative tobacco control policies typically have originated at the local level. Local policies ensure the “right fit” for their communities needs.
- States are reluctant to adopt laws if locals haven't already paved the way. Therefore, preventing preemption is very important.
- Preemption results in weaker public health standards. With few exceptions, statewide proposals have proven to be weaker than local measures. When preemption passes in a state, the elimination of local ordinances and/or local governments' inability to pass and enact their own smoke free measures means that more nonsmokers will be exposed to secondhand smoke.



For More Information

- Grand Forks Tobacco Free Coalition: www.tobaccobytes.com
- BreatheND: www.breathend.com
- North Dakota Department of Health Tobacco Prevention and Control: www.ndhealth.gov/tobacco
- Campaign for Tobacco Free Kids: www.tobaccofreekids.org
- Centers for Disease Control and Prevention: www.cdc.gov/tobacco
- Americans for Nonsmokers' Rights: www.no-smoke.org

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