



March 16, 2005

Dear Member of Congress:

We are writing to share with you the Partners for Effective Tobacco Policy (PARTNERS) priority issues for the first session of the 109th Congress. The PARTNERS coalition is a group of more than 60 national organizations committed to reducing and preventing death and disease caused by tobacco use. Tobacco use is the leading preventable cause of death in the United States, killing more than 400,000 people every year. The cost of tobacco-caused disease and disability is also staggering. Taxpayers pay billions of dollars each year to treat tobacco-caused disease through federally funded health programs including Medicare and Medicaid.

As a Member of Congress, you have the unique opportunity to support public policies that will help stem this epidemic, and save money and save lives. During the first session of the 109th Congress, we ask for your leadership in enacting strong policies in the areas outlined below.

Food and Drug Administration Regulatory (FDA) Authority. The PARTNERS coalition supports legislation that would grant the FDA effective authority to regulate the manufacture, distribution, and sale of tobacco products to protect the public health. FDA oversight is especially needed to crack down on illegal sales of tobacco products to children and to restrict advertising and marketing that appeal to children. The tobacco industry is aggressively marketing a new generation of products with unproven claims that they are less harmful. This continued deception of consumers makes ever more urgent the need for FDA restrictions on advertising and marketing to children. FDA oversight also would immediately stop the manufacture and sale of candy-flavored cigarettes, such as *Twista Lime*, *Strawberry Liquid Zoo* and *Caribbean Chill*—dangerous products that have particular appeal to children.

While virtually every other consumer product is regulated, tobacco companies are now exempt from the most basic oversight of their products. They are not required to test additives for safety, prevent misleading or inaccurate health claims, inform consumers what is in their products, or take any other action to make their products less harmful or addictive. No other industry enjoys this degree of special protection.

Last year identical FDA legislation was introduced in the House and Senate on a bipartisan basis. The Senate overwhelmingly passed the legislation on two separate occasions, but the House unfortunately never brought the bill to a vote. The PARTNERS coalition urges Members of Congress to move quickly in the first session of the 109th Congress to cosponsor and enact this bipartisan legislation, providing FDA with meaningful and effective regulatory oversight of tobacco products. We also urge Congress to oppose any effort to enact weak, ineffective FDA legislation.

Tobacco Use Cessation. The PARTNERS coalition urges the Congress to enact into law the recommendations of the Interagency Committee on Smoking and Health's (ICSH) national action plan on cessation. The Committee's recommendations are based upon sound science, and if adopted, would result in a substantial decrease in the number of people addicted to tobacco products.

One recommendation of the ICSH is that federally financed health care programs adequately reimburse tobacco cessation treatments such as counseling services or pharmacotherapies. Under the Medicaid

Program, coverage of cessation services is optional, with few states providing the full range of necessary services. Lack of coverage under Medicaid is particularly troubling given that the majority of pregnant women who smoke are enrolled in Medicaid. Providing coverage to pregnant women who smoke is very cost effective, would improve the health of both mother and child, and decrease the number of low birth weight babies, pre-term deliveries, miscarriages and instances of sudden infant death syndrome and spontaneous abortions.

We recognize that, beginning in January 2006, prescription pharmacotherapies for tobacco cessation will become available to all Medicare beneficiaries, and we applaud that upcoming change. Studies have shown that people wishing to cease their use of tobacco products have a much higher rate of success if they have access to both cessation therapies and associated counseling. Consequently, we are very supportive of the recent proposal by the Centers for Medicare and Medicaid Services (CMS) to provide coverage of counseling services under Medicare; this policy change sets a clear and strong precedent that should now be followed by Congressional action to assure that all federally-covered lives, not just Medicare beneficiaries, have access to the full spectrum of tobacco cessation services, including behavioral interventions and pharmacotherapies. By providing access to both cessation therapies and counseling, Congress will help ensure that patients interested in ending their use of tobacco will have the care they need to achieve success.

Funding for Centers for Disease Control and Prevention's Office on Smoking and Health. The CDC's Office on Smoking and Health provides significant technical assistance to states that are using tobacco settlement dollars to develop comprehensive and effective tobacco prevention programs in addition to providing a small, yet essential, amount of federal assistance directly to state tobacco control and prevention programs. States that currently fund comprehensive programs, such as Ohio, Maine, Washington and Mississippi, as well as those seeking to develop programs, rely on CDC's expertise. Funds for tobacco prevention at CDC also are used to maintain comprehensive information on smoking and health and support ongoing research on tobacco-related issues.

We believe the CDC's Office on Smoking and Health needs additional resources for youth tobacco prevention. Research has demonstrated that at both the state and national levels youth tobacco prevention programs are successful in significantly reducing youth smoking. At the same time these resources are disappearing, the tobacco companies are increasing their marketing and promotional expenditures. We believe Congress should fund the type of youth tobacco prevention programs that science tells us are essential to counter the impact of tobacco company marketing to our kids. The PARTNERS coalition strongly supports a minimum level of \$145 million in FY 2006 funding for the CDC's Office on Smoking and Health.

Internet, Mail-order Tobacco Sales. We urge Congress to complete action on legislation to curtail the alarming growth of tobacco product sales over the Internet and through mail-order that make low-cost cigarettes readily available to children and result in large state revenue losses from excise tax evasion. During the 108th Congress, the Senate unanimously passed the PACT Act, S. 1177, Internet tobacco sales legislation supported by the public health community and others. The House Judiciary Committee unanimously adopted similar legislation, H.R. 2824. Concerns have been raised about the impact the House bill could have on Native American tribal sovereignty. We encourage Congress to address these concerns and to make certain that the legislation, as it moves through the legislative process, is made neutral with respect to questions of tribal sovereignty.

States lose hundreds of millions of dollars annually in uncollected tobacco taxes through Internet sales – losses that are growing rapidly. Currently, there are more than 200 websites in the U.S. that sell tobacco products, and it is estimated that sales of tobacco products on the Internet will account for 14 percent of the total U.S. market this year. The vast majority of Internet and mail-order vendors are not complying with state cigarette tax collection laws, and the U.S. General Accountability Office has reported that

three-quarters of all Internet tobacco sellers explicitly say that they will not report cigarette sales to tax collection officials, thus violating Federal law. Congress should swiftly adopt comprehensive and enforceable Internet sales legislation in the 109th Congress to give states the tools they need to collect these revenues.

Tobacco Smuggling. Tobacco product smuggling undermines public health, robs states of much-needed revenue, and provides a potential source of revenue for organized crime and terrorists. Concerns about the threat of increased smuggling of tobacco products have grown as more web sites sell tobacco over the Internet and as more states look to tobacco taxes as a way to reduce tobacco use and as a source of revenue. There is increasing concern, as well, about international smuggling of tobacco products based on evidence that approximately one-quarter of all legally exported cigarettes end up smuggled across international borders. Federal laws to stop tobacco smugglers are terribly outdated and do not provide law enforcement officials with the tools they need. There is broad consensus among experts on the changes needed to bring these laws up-to-date. We urge Congress to address this important bipartisan law enforcement issue this year.

As organizations committed to reducing the death and disease caused by tobacco use, we stand ready to work with you to assure that this Congress adequately addresses the public health issues outlined above and fulfills its responsibility to protect the nation's children from a lifetime of preventable addiction, disease, and premature death. Should you have any questions or would like additional information, please do not hesitate to contact any of the undersigned organizations. Thank you for your consideration of our views.

Sincerely,

Action on Smoking or Health
American Academy of Family Physicians
American Academy of Nurse Practitioners
American Academy of Pediatrics
American Association for Respiratory Care
American Cancer Society
American College of Cardiology
American College of Chest Physicians
American College of Physicians
American College of Preventive Medicine
American Dental Association
American Dental Hygienists' Association
American Heart Association
American Lung Association
American Psychological Association
American Public Health Association
American School Health Association
American Society of Addiction Medicine
American Thoracic Society
Association of Teachers of Preventive Medicine
Campaign for Tobacco-Free Kids
Center for Tobacco Cessation
General Board of Church and Society of the United Methodist Church
National Association of County and City Health Officials
National Association of Local Boards of Health
National Latino Council on Alcohol and Tobacco Prevention
National Research Center for Women & Families

Oncology Nursing Society
Oral Health America
Partnership for Prevention
Society for Public Health Education