



February 28, 2006

Name  
Chamber  
Street  
City, State Zip  
Fax:

Dear Senator/Representative:

We are writing to share with you the Partners for Effective Tobacco Policy (PARTNERS) priority issues for the second session of the 109<sup>th</sup> 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 health care and lost productivity costs of tobacco-caused disease and disability are 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, save lives and save money. During the second session of the 109<sup>th</sup> 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 products are now exempt from the most basic oversight. Tobacco companies 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. Congress affords no other industry this degree of special protection.

In 2004, 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. This bipartisan legislation, supported by the nation's public health community was reintroduced in the first session of the 109<sup>th</sup> Congress as H.R. 1376/S. 666. The PARTNERS coalition urges Members of Congress to move quickly to cosponsor and enact this bipartisan legislation during the second session of the 109<sup>th</sup> Congress. 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.

We urge Congress to focus immediately on the recommendation of the ICSH that the Medicaid Program adequately reimburse tobacco cessation treatments such as counseling services or pharmacotherapies. Currently, Medicaid 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.

**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 Colorado, Delaware, Maine 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 2007 funding for the CDC's Office on Smoking and Health.

**Internet Tobacco Sales.** We urge Congress to take action on legislation to curtail the alarming growth of tobacco product sales over the Internet that make low-cost cigarettes readily available to children and result in state revenue losses of hundreds of millions of dollars from excise tax evasion. During the 108<sup>th</sup> 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.

Currently, there are more than 500 websites that sell tobacco products to U.S. customers. The vast majority of Internet sellers 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 second session of the 109<sup>th</sup> 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. 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. Comprehensive legislation to address this issue has been introduced in the 109<sup>th</sup> Congress as H.R. 1377. We urge Congress to pass this important law enforcement legislation this year.

**Framework Convention on Tobacco Control (FCTC).** On February 6, 121 countries convened in Geneva for the first implementation meeting of the Framework Convention on Tobacco Control, the international tobacco treaty. Because it has failed to ratify the treaty, the U.S. will be left out of important decisions regarding implementation, funding and enforcement of the treaty and the negotiation of side agreements on issues of importance to the U.S., such as cigarette smuggling.

It is unacceptable that the United States, as the wealthiest and most powerful nation, is not leading the fight against the tobacco epidemic that is the leading preventable cause of death in our own country and kills almost five million people worldwide every year. Administration spokespeople have asserted that the U.S. supports the treaty and wants to see it ratified, but so far the treaty has languished at the State Department and is "still under inter-agency review". We call on Congress to request the President to immediately submit the tobacco treaty to the Senate for rapid ratification.

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,

American Academy of Family Physicians  
American Academy of Nurse Practitioners  
American Academy of Pediatric  
American Association of Respiratory Care  
American Cancer Society  
American College of Cardiology  
American College of Chest Physicians  
American College of Obstetricians and Gynecologists  
American College of Occupational and Environmental Medicine

American College of Preventative Medicine  
American Dental Association  
American Dental Hygienists' Association  
American Heart Association  
American Lung Association  
American Medical Association  
American Psychological Association  
American Public Health Association  
American School Health Association  
American Society of Addiction Medicine  
American Thoracic Society  
Association of Maternal and Child Health Programs  
Campaign for Tobacco-Free Kids  
General Board of Church and Society of the United Methodist Church  
National African American Tobacco Prevention Network  
National Association of County and City Health Officials  
National Association of Local Boards of Health  
National Latino Council on Alcohol and Tobacco Prevention  
National Resource Center for Women & Families  
Oncology Nursing Society  
Partnership for Prevention  
Presbyterian Church (U.S.A.) Washington Office  
Society for Public Health Education