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American Lung Association Report Card: Federal Government Makes Major Strides; Most States Flunk for Neglecting to Prevent Tobacco-Caused Disease

WASHINGTON, D.C., (January 12, 2010) —The American Lung Association today released its [*State of Tobacco Control 2009* report](#), which grades the strength of federal and state laws to protect citizens from tobacco-caused illnesses. These illnesses are now at the heart of America's chronic disease crisis.

The report finds the **federal government** made major strides but still has significant room for progress. Most **state governments**, however, failed to enact critical measures to protect people from deadly tobacco products. Ten states made alarming cuts to their tobacco control programs.

Tobacco's toll continues to be devastating. Smoking-caused illness remains the number-one preventable cause of death in the U.S., killing more than 393,000 Americans each year and costing the economy more than \$193 billion. Another 50,000 Americans die from exposure to secondhand smoke. The U.S. Surgeon General has declared there is no safe level of exposure to secondhand smoke.

“Our leaders in Washington have made a strong start in confronting the tobacco epidemic and taking steps that ultimately will save millions of lives and hundreds of billions of dollars for the American economy. Ending the epidemic, however, will require more hard work,” said Charles D. Connor, American Lung Association President and CEO. “Forty-six million adults smoke, and political leaders in the states need to stand up to the tobacco industry and enact policies proven to reduce the devastating death and disease caused by tobacco use.”

To arrive at the 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 considered the best in the nation.

FEDERAL RESULTS

The federal government took major and meaningful steps to curb the enormous burden caused by tobacco use in 2009. For two decades the American Lung Association has advocated giving authority to the U.S. Food and Drug Administration (FDA) to regulate tobacco products. Congress finally passed this legislation early in 2009. President Obama signed it on 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 healthcare reform legislation that could expand coverage under Medicaid and private insurance for helping smokers quit (called cessation). As the House and Senate passed bills are reconciled, the Lung Association urges Congressional leaders to require state Medicaid programs to offer comprehensive cessation benefits.

The American Lung Association gives federal tobacco control grades for these criteria:

Federal Grades:

“A” for FDA Regulation of Tobacco Products—The Family Smoking Prevention and Tobacco Control Act was signed into law in 2009 and already the FDA has begun to implement the law. It has tremendous potential to reduce death and disease caused by tobacco in the U.S.

“D” for Federal Cigarette Tax—Congress agreed in February 2009 to raise the federal government’s cigarette tax by 62 cents per pack of 20 to \$1.01 in order to fund the Children’s Health Insurance Program (CHIP). This increase has led many smokers to attempt to quit. The tax still falls short, however, of the “A” standard of \$2.68 per pack.

“F” for Cessation—The federal government continues to fail to help smokers quit—an effort that would save lives and money. However, the U.S. House of Representatives and Senate have approved different versions of healthcare reform legislation that include an expansion of cessation coverage under Medicaid, Medicare and private insurance plans. At press time, it was uncertain whether a final bill would include these policies, and whether it would be passed into law; the House version provided broader coverage.

“D” for Ratification of the Framework Convention on Tobacco Control—The Obama administration has not submitted the international tobacco control treaty to the Senate for ratification, leaving the U.S. unable to participate in negotiations to implement and enforce it. The treaty has been ratified by 168 nations representing 86 percent of the world’s population.

STATE RESULTS

As states faced record budget deficits, many turned to cigarette taxes to increase revenues. Fourteen states and the District of Columbia raised cigarette taxes, a proven means to reduce smoking. These states are Arkansas, Connecticut, Delaware, Florida, Hawaii, Kentucky, Mississippi, New Hampshire, New Jersey, North Carolina, Pennsylvania, Rhode Island, Vermont and Wisconsin.

Disturbing trends emerged, however. Ten states and the District of Columbia took a step backward by sharply reducing funding for tobacco control and prevention programs. This trend undermines other advances because robust tobacco control programs help sustain

and even expand the impact of higher cigarette taxes and smokefree workplace laws. Wisconsin, for example, increased its cigarette tax by 75 cents but also slashed funding for tobacco prevention and cessation programs by more than half. New Hampshire raised its cigarette tax by 45 cents, yet it spends not a single state dollar on tobacco prevention and cessation programs. In addition, the pace for states passing comprehensive smokefree air laws slowed dramatically.

“Increasing tobacco taxes and requiring smokefree workplaces are two important steps in reducing the leading cause of preventable death in the United States,” said Mary H. Partridge, American Lung Association National Board Chair. “But that is still not enough. Comprehensive cessation programs must also be made available to support them in quitting.”

No Straight A's

No state received straight “A’s” on its report card. Six received all “F’s.” They are Alabama, Kentucky, Missouri, South Carolina, Virginia and West Virginia.

States and the District of Columbia are graded on the following:

- **State Cigarette Taxes**—Facing record budget deficits, 14 states turned to higher cigarette taxes to increase revenues. Nonetheless, only four states qualified for an “A” grade by imposing cigarette excise taxes of \$2.68 or more. Of states that raised cigarette taxes, three (Hawaii, Pennsylvania, Wisconsin) and the District of Columbia cut funding for tobacco control significantly – by more than 25 percent.
- **Smokefree Air**—Only three states, Michigan, South Dakota and Wisconsin, met the American Lung Association’s *Smokefree Air Challenge* in 2009 by passing strong smokefree air laws. This was slightly higher than the two states meeting the challenge in 2008, but represents a slowdown from 2006-2007, when a total of 16 states and the District of Columbia met the challenge. Evidence has shown that in states with strong smokefree laws, fewer adults smoke. Twenty-two states and the District of Columbia received “A” grades for smokefree air policies for 2009.
- **Tobacco Prevention and Control Programs**—Only two states, Alaska and North Dakota, received “A” grades for funding tobacco prevention and control programs at 80 percent or more of the level recommended by the Centers for Disease Control and Prevention (CDC). Forty-one states and the District of Columbia received “F’s” for spending at less than 50 percent of CDC-recommended levels. The District of Columbia and the following ten states slashed spending by 25 percent or more: Colorado, Hawaii, Indiana, Maryland, Massachusetts, New York, Pennsylvania, Tennessee, Washington and Wisconsin.

- **Cessation Treatments**—No state received an “A” for offering comprehensive tobacco cessation treatments to its Medicaid recipients and to state employees. Thirty-one states received an “F” in this category. The American Lung Association urged full coverage of clinically proven smoking cessation treatments in a November report entitled *Helping Smokers Quit: State Cessation Coverage 2009*.

States continued to fail to enact these critical policy measures in 2009. Instead, state-level political candidates took in more than \$7 million in campaign contributions from the tobacco industry in the 2007-2008 election cycle and more than \$675,000 through the first 11 months of 2009, generally an off year for state elections.

The Tobacco Epidemic Persists

Despite a perception that smoking is a dying public health danger, the tobacco epidemic persists. It causes tragedy, staggering costs and devastation. In 2008, the latest year for which data is available, smoking in the U.S. failed to decline for the first time in years, staying right around 20 percent. Forty-six million adults smoke. The nation’s progress in ending the epidemic has halted, according to the CDC.

The tobacco companies, meanwhile, continue exerting powerful influence and targeting kids in order to replace their dying customers. To hook a new generation of children, these companies have launched products that critics label “tobacco candy.” Camel, for example, debuted its Camel Orbs, Strips, and Sticks in Columbus, Ohio; Indianapolis, Indiana; and Portland, Oregon in 2009. Camel Orbs, the size of Pez candies, are mint- and honey-flavored. Facing new regulations that could cut their profits, Reynolds American, Lorillard and some smaller tobacco companies also sued to overturn many marketing restrictions in the Family Smoking Prevention and Tobacco Control Act, a lawsuit that is still pending as of press time.

The failure of the federal government and each state government to get all “A” grades for enacting strong and effective tobacco control laws comes at a critical time. Tobacco control policies are extraordinarily popular. But the tobacco industry is not letting up on its aggressive marketing and promotion strategies to spur increased smoking. Until elected officials overcome their fears of standing up to the tobacco industry, hundreds of thousands of lives will be tragically lost and billions of dollars will continue to be wasted.

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About the American Lung Association

Now in its second century, the American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease. With your generous support, the American Lung Association is “Fighting for Air” through research, education and advocacy. For more information about the American Lung Association or to support the work it does, call 1-800-LUNG-USA (1-800-586-4872) or visit www.lungusa.org.