



Oppose House Bill 169 Nicotine Products & Nicotine Dispensing Device

Background

Originally, the intent of HB 169 was to prohibit the sale of nicotine products and nicotine dispensing devices (e-cigarettes) to minors. However, added amendment language would strip local governments of their ability to regulate all tobacco products and e-cigarettes, overturn existing ordinances, and block future opportunities to protect kids in the retail environment. For example, many of the product placement ordinances we currently have in Florida go beyond the minimum standards set by the US Food and Drug Administration (FDA), requiring that ALL tobacco products are placed behind the counter at retail stores, not just cigarettes and smokeless tobacco. With the preemption language, the bill now does more harm than good in the fight to keep Florida's children tobacco free.

Key Points

- Many of the ordinances we currently have in Florida deal with product placement, requiring that all tobacco, not just cigarettes and smokeless tobacco, are placed behind the counter at retail stores. They are stronger than the minimum standards required by the FDA and are all meant to keep tobacco products out of the hands of children.
- In-store tobacco displays serve to increase product availability, visibility and brand awareness and stimulate trial and purchase of products.¹ Product placement laws limit youth access to tobacco via illegal sales and shoplifting.²
- Proponents for preemption claim that we need a uniform state law that covers all businesses rather than a patchwork of local ordinances. The fact is retailers are used to complying with a variety of local laws, including zoning, traffic restrictions, health regulations and even alcohol sales. Tobacco regulations are no different than other regulations that vary from jurisdiction to jurisdiction.
- Local governments are more flexible and responsive than state government in effectively dealing with emerging problems and finding innovative solutions. Local governments are closer to the community and have been more effective than the state or federal government in addressing the problem of tobacco use.

Our Position

State laws should serve as a minimum standard for a policy objective while allowing communities to enact stronger ordinances to protect their youth and residents in the most appropriate manner. The American Cancer Society Cancer Action Network, American Lung Association, American Heart Association, Campaign for Tobacco-Free Kids and our partners ask that you **oppose HB 169** and prevent the dismantlement of effective local tobacco ordinances around the state.

¹ RJ Reynolds Tobacco Co. New Product Introduction through point-of-purchase. Bates #500164188-500164208; 1978.
<http://tobaccodocuments.org>.

² Lee et al. The Relation Between Community Bans of Self-Service Tobacco Displays and Store Environment and Between Tobacco Accessibility and Merchant Incentives. American Journal of Public Health. Vol 91, No 12. (2001)