

# **KEEP TOBACCO OUT OF THE HANDS OF TEXAS YOUTH**

# **PROGRESS IS EVIDENT, BUT YOUTH VAPING REMAINS AT EPIDEMIC LEVELS**

### Sept. 2018

U.S. Food and Drug Administration (FDA) declared youth vaping an "epidemic."1

### **June 2019**

FDA established requirements for premarket authorization of e-cigarette products.2

# Sept. 2019

Texas became the 15th state to raise the minimum age of sale of tobacco products, including e-cigarettes, from 18 to 21.

## Dec. 2019 Federal Tobacco 21

law took effect.

Jan. 2020

FDA cracked down on prefilled e-cigarette pod (such as JUUL)

flavors that appeal to children, with the exception of menthol.3 Dec. 2020

E-cigarette use continues to outpace other tobacco products among school-aged youth.4

The number of Texas youth currently vaping is still alarmingly high (more than one in six),3 and 85% of current high school e-cigarette users prefer flavored products, including fruit (73%); mint (56%); menthol (37%); and candy, desserts, or other sweets (37%).4

# **HOW TEXAS LAWMAKERS** CAN COMBAT TOBACCO USE

### STEP 1

Require e-cigarette retailers to obtain retail permits and enhance penalties for retailers violating Tobacco 21

### STEP 2

Tax e-cigarettes at parity with cigarettes

### STEP 3

Raise the cigarette tax by \$1.50 per pack (to \$2.91 total)

- Keeps tobacco products away from price-sensitive youth
- Generates at least \$622 million in new annual revenue for Texas
- Provides ongoing funds for retail compliance checks and Tobacco 21 enforcement
- Protects Texas Department of State Health Services (DSHS) tobacco prevention and cessation budget

# In Texas, some tobacco taxes and regulations still do not apply to e-cigarettes.

Texas does not require a permit to sell e-cigarette products and charges sales tax but no excise tax on these products, including cartridge-style, disposable pods, and refillable tanks.

Three-fourths OPPOSED of Texans favor taxing e-cigarettes the same as tobacco products.5

THE TEXAS PUBLIC **HEALTH COALITION** 

1. Require all retailers to obtain a permit to sell e-cigarettes (SB 248).

**RECOMMENDS:** 

- 2. Close the excise tax loophole on e-cigarettes and tax at parity with all cigarettes, including all components such as tanks, mods, and liquids (SB 216/HB 1255/HB 1523).
- 3. Raise the cigarette tax by \$1.50 per pack.
- 4. Enhance enforcement of Tobacco 21 law prohibiting sales of tobacco and e-cigarette products to underage Texans, including increased compliance checks on retailers and enhanced penalties.
- 5. Protect and restore DSHS funding for tobacco prevention and enforcement.
- 6. Oppose any attempts by the tobacco industry to corrupt bills prohibiting the sale of flavored tobacco products in Texas.

FDA. (September 2018). Statement from FDA Commissioner Scott Gottlieb, M.D., on new steps to address epidemic of youth e-cigarette use. FDA. (June 2019). Premarket Tobacco Product Applications for Electronic Nicotine Delivery Systems (ENDS). Campaign for Tobacco Free Kids. (October 2020). The Toll of Tobacco in Texas.

National Youth Tobacco Survey (December 2020).

National Youth Tobacco Survey (December 2020). Poll commissioned by the Texas Medical Association and conducted by the Eppstein Group, Nov. 18-23, 2020, among 1,200 registered voters, including cell phone and online surveys, with a margin of error of +/- 2.9%.



# The Texas Public Health Coalition is a coalition of health professional organizations and health-focused organizations dedicated to disease prevention and health promotion.

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# **MEMBERS**

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