



Statement of Cliff Douglas, J.D.

Volunteer for the American Cancer Society Cancer Action Network

Good evening, my name is Cliff Douglas, and I am here as a long-time resident of Ann Arbor and as a volunteer for the American Cancer Society's Cancer Action Network (ACS CAN), the nonprofit, nonpartisan advocacy affiliate organization of the American Cancer Society. While I speak this evening on behalf of ACS CAN, I am pleased to note that I also serve as the Vice President for Tobacco Control for the American Cancer Society at the national level and as an adjunct professor at the University of Michigan School of Public Health, where I have taught tobacco control policy since 2005.

ACS CAN enthusiastically endorses the proposed ordinance increasing the age of sale of tobacco products to age 21. We are dedicated to eliminating cancer as a major health problem by supporting legislative, regulatory, and policy efforts that move this mission forward at all levels of government, and we therefore are full square behind this measure introduced by Councilwoman Julie Grand. The proposed ordinance reflects an important and popular tobacco prevention policy intervention that has started to sweep the nation and proven to be effective in numerous jurisdictions.

As you know, tobacco use remains the leading cause of preventable death in the United States, killing more than 480,000 people each year. It causes many types of cancer, as well as heart disease and respiratory illnesses, among other fatal and debilitating health disorders, and costs the U.S. an estimated \$170 billion in health care expenditures annually. If current trends continue, a devastating 5.6 million of today's youth will die prematurely from a smoking-related illness. Indeed, national data show that about 95 percent of adult smokers begin smoking before they turn 21. But through policy changes such as the one you are considering here, we are effectively fighting back and will reduce this toll.

We strongly commend the Council for combating the tobacco epidemic and protecting young people in our community, as you have already taken steps to do by adopting an ordinance two years ago that removed smoking from Ann Arbor's playgrounds and most parks, which I was honored to collaborate on with then-citizen Grand and several members of this Council, including its chief sponsor, Councilman Chuck Warpehoski, and soon-to-be Mayor Christopher Taylor.

For its part, increasing the age of sale to 21 for tobacco products is a very promising policy to reduce youth tobacco use and help young users quit. As of July 14, 2016, at least 170 localities in 13 states, along with the states of Hawaii and California, had already raised the minimum legal sale age for tobacco products to 21. Not one of those measures, to my knowledge, has ever been challenged in court, despite the usual industry legal bluster and propaganda and efforts to organize retailer opposition.

I would also like to comment briefly on the issue of preemption. Extensive input and review by legal and policy experts has resulted in a carefully drafted measure that is not preempted. The measure quite deliberately does not venture into the area of licensure, for example. As an attorney, I have litigated tobacco-related preemption issues in Michigan previously (see, e.g., <http://www.tcsg.org/sfelp/AmicusBrief.pdf>). Back in 2006, several counties in northwest Michigan passed a comprehensive smoke-free regulation which covered most workplaces and public places. The counties were sued, and the Michigan courts ruled that the Michigan Clean Indoor Air Act did not preempt local health regulations prohibiting smoking in public places and workplaces, except for (at that time) food service establishments. The preemption issues involved here, which I will hand off to my colleague Kendall Stagg to address more fully, are more straightforward. We are confident that our city has clear authority to adopt and implement the new Tobacco 21 ordinance.

Once enacted, we strongly urge the city to do everything within your power to ensure that this ordinance is effectively enforced. Youth access laws successfully reduce youth tobacco use when they are well enforced and disrupt the sale of tobacco products to underage persons by, for example, conducting ongoing retailer compliance checks with meaningful penalties on retailers for sales to underage persons. Strong enforcement will be particularly important because Ann Arbor will serve as an example for other municipalities across the state, who are waiting to take similar action to raise the age of sale for tobacco products, and because these local efforts may, we hope, inform a statewide policy change in the future.

Finally, we encourage the city to evaluate the impact of this ordinance so that our community and others can learn from this experience and identify any hurdles that need to be removed or avoided as well as any best practices that should be replicated in other communities or in state law. There is a great deal to be gained from the action you are taking here today.

We look forward to continuing to work with you to reduce tobacco use and make Ann Arbor a healthier place to live, work and play.

Again, on behalf of the American Cancer Society's Cancer Action Network, we thank you for your caring and for your commitment.