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SENATE MEMORIAL 7

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Pete Campos

A MEMORIAL

REQUESTING THE DEPARTMENT OF HEALTH TO STUDY THE POTENTIAL FOR
HOLDING MANUFACTURERS AND DISTRIBUTERS OF TOBACCO PRODUCTS
ACCOUNTABLE FOR THE SALE OF THOSE PRODUCTS TO MINORS.

WHEREAS, youth smoking is a serious public health concern
that contributes to early death from tobacco-related diseases;
and

WHEREAS, the federal centers for disease control and
prevention reports that tobacco use in adolescence is
associated with high-risk sexual behavior, use of alcohol and
use of other drugs; and

WHEREAS, according to the federal food and drug
administration, every day more than four thousand youths under
the age of eighteen try their first cigarette, and more than
one thousand youths become daily smokers; and

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1 WHEREAS, research has shown that more than eighty percent
2 of adult smokers started smoking before the age of eighteen;
3 and

4 WHEREAS, every year, children and youths smoke more than
5 eight hundred million packs of cigarettes, resulting in almost
6 five hundred million dollars (\$500,000,000) in cigarette
7 company profits, according to a study published in the *American*
8 *Journal of Public Health*; and

9 WHEREAS, the 2009 federal Family Smoking Prevention and
10 Tobacco Control Act, restricts some types of sales and
11 promotion of tobacco products to make these products less
12 attractive to youth; and

13 WHEREAS, rules effective starting June 22, 2010,
14 promulgated pursuant to the Family Smoking Prevention and
15 Tobacco Control Act, prohibit the sale of tobacco products to
16 people under the age of eighteen, end the sale of cigarette
17 packs that contain fewer than twenty cigarettes and prohibit
18 the distribution of free samples; and

19 WHEREAS, despite strict laws and regulations banning the
20 sales of cigarettes to minors, manufacturers and distributors
21 of tobacco products have still found ways to promote smoking
22 among youth; and

23 WHEREAS, despite assertions by manufacturers of tobacco
24 products that their own voluntary, anti-youth access programs
25 will adequately protect youth and prevent them from beginning

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1 smoking, there is no evidence that these programs have ever
2 been implemented effectively, and they have never been shown to
3 reduce access to tobacco products or to stop illegal sales of
4 cigarettes to youths, according to the campaign for tobacco-
5 free kids; and

6 WHEREAS, federal and state efforts to ban the sale of
7 tobacco products to youths target only the merchants that sell
8 tobacco products for retail and do not hold the manufacturers
9 and distributors of these products accountable for the
10 marketing, promotion and dissemination of tobacco products to
11 minors;

12 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
13 OF NEW MEXICO that the department of health be requested to
14 study the potential for holding manufacturers and distributors
15 of tobacco products accountable for the sale of those products
16 to minors; and

17 BE IT FURTHER RESOLVED that the findings and
18 recommendations of this study be presented to the appropriate
19 interim committee by October 2011; and

20 BE IT FURTHER RESOLVED that a copy of this memorial be
21 transmitted to the secretary of health.