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

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

WHEREAS, every year, children and youths smoke more than
eight hundred million packs of cigarettes, resulting in
almost five hundred million dollars ($500,000,000) in
cigarette company profits, according to a study published in
the American Journal of Public Health; and
WHEREAS, the 2009 federal Family Smoking Prevention and
Tobacco Control Act, restricts some types of sales and
promotion of tobacco products to make these products less
attractive to youth; and

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

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

WHEREAS, despite assertions by manufacturers of tobacco
products that their own voluntary, anti-youth access programs
will adequately protect youth and prevent them from beginning
smoking, there is no evidence that these programs have ever
been implemented effectively, and they have never been shown
to reduce access to tobacco products or to stop illegal sales
of cigarettes to youths, according to the campaign for
tobacco-free kids; and

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

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

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

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