

1 A MEMORIAL

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

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

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

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

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

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

1 WHEREAS, the 2009 federal Family Smoking Prevention and
2 Tobacco Control Act, restricts some types of sales and
3 promotion of tobacco products to make these products less
4 attractive to youth; and

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

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

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

23 WHEREAS, federal and state efforts to ban the sale of
24 tobacco products to youths target only the merchants that
25 sell tobacco products for retail and do not hold the

1 manufacturers and distributors of these products accountable
2 for the marketing, promotion and dissemination of tobacco
3 products to minors;

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

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

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

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