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Written testimony in support of Assembly Bill 96
March 18, 2003

Repealing Nevada's pre-emption law is one of the American Cancer Society's top legislative priorities. Nevada has the highest rate of incidence and death due to lung cancer and that statistic includes cancers due to second hand smoke exposure. Every day our citizens and our children are exposed to deadly second hand smoke. Preemption ties our hands and prevents us from creating smoke free schools, and other smoke free public places.

In November 2002, voters in Clark County and Washoe county overwhelming voted in favor of local control and limiting exposure to second hand smoke. Clark County voters showed 57.3% support for local control and 66.8% to ban smoking in public places frequented by children. Washoe County voters voted 59.1% in support of local control and 67.9% to ban smoking in public places. Obviously the voters of Nevada believe in the intent of Assembly Bill 96.

I personally cannot find a cure for cancer, but you can. Please don't sacrifice the health of Nevada's citizens and children to the tobacco industry. Sitting before is a bill that can undo tobacco's deadly grip on Nevada. The American Cancer Society urges you to support Assembly Bill 96. Thank you.

Sincerely,

Buffy Gail Martin
Buffy Gail Martin
Government Relations Director - Nevada

ASSEMBLY JUDICIARY
DATE: 3/18/03 ROOM: 3138 EXHIBIT M
SUBMITTED BY: BUFFY MARTIN

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Appendix to the testimony of Buffy Gail Martin

Until his dying day, former tobacco lobbyist Victor Crawford spent what time had left attempting to correct all the wrongs he did as a tobacco industry hired gun, including fighting against preemption. Unfortunately, Victor Crawford was killed by the very substance he tried to protect as a lobbyist. He died a few years ago of squamous cell carcinoma, a deadly form of cancer that started in his throat and metastasized into his lungs, liver and pelvic bone. Cancer converted Victor Crawford into a tobacco control advocate.

In a statement he prepared on preemption, (attached) he clearly states that "it is the goal of the tobacco industry to emasculate all local tobacco control activity and reserve all power over tobacco issues to the state legislature." Preemption prevents citizens and local governments from establishing meaningful tobacco control laws. Crawford even admits in his statement that it is easier to influence state legislators because of the money the tobacco industry is able to spend at the state level. He says that "Preemption is the number one goal of the tobacco industry nationwide."

Tobacco is a deadly product, and its toll on Nevada is devastating. According to the National Center for Tobacco-Free Kids, the state loses \$762 million each year due to smoking caused productivity loss. Annual health care costs in Nevada directly caused by smoking total \$440 million and the state Medicaid program covers \$96 million of that cost. But to underscore tobacco's influence on our state, the estimated portion tobacco spends in Nevada for marketing each year is \$71 million. Please see attached document.

M 2046

Isn't it time we break tobacco's stronghold on our citizens and children? You have the opportunity to do just that. Please support Assembly Bill 96 and our efforts to repeal preemption.

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VICTOR L. CRAWFORD (MD., D.C.)

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STATEMENT
BY
VICTOR CRAWFORD ON PREEMPTION

HELLO. MY NAME IS VICTOR CRAWFORD. I'M A RETIRED MARYLAND STATE SENATOR AND FORMER CONTRACT LOBBYIST WITH THE TOBACCO INSTITUTE SPECIALIZING IN STATE AND LOCAL ISSUES. MY JOB FOR THE TOBACCO INSTITUTE WAS TO KILL ALL TOBACCO CONTROL LEGISLATION, OR AT LEAST WEAKEN IT TO THE POINT WHERE IT BECOMES MEANINGLESS.

IN LATE 1991 I WAS DIAGNOSED WITH THROAT CANCER, CAUSED BY SMOKING. THE THROAT CANCER HAS METASTASIZED INTO THE LUNGS, LIVER AND PELVIC AND ALTHOUGH I AM NOW IN REMISSION; THANKS TO THE WONDER DRUG TOXALL, MY REMISSION COULD BE FOR A FEW WEEKS, A MONTH, PERHAPS A YEAR. BECAUSE OF MY ILLNESS I AM UNABLE TO TRAVEL, TO TELL YOU ABOUT THE FAVORED TACTIC USED BY INDUSTRY LOBBYIST IN STATE LEGISLATURES AROUND THE COUNTRY. THAT IS PREEMPTION OF LOCAL GOVERNMENT'S ABILITY TO REGULATE TOBACCO. IT IS THE GOAL OF THE TOBACCO INDUSTRY TO EMASCULATE ALL LOCAL TOBACCO CONTROL ACTIVITY AND RESERVE ALL POWER OVER TOBACCO ISSUES TO THE STATE LEGISLATURE.

THE REASON IS SIMPLE, AS A LOBBYIST I NEVER STOOD A CHANCE ARGUING THE TOBACCO INDUSTRY'S CASE BEFORE LOCAL GOVERNMENT BODIES SUCH AS CITY COUNCILS AND COUNTY COUNCILS. WHY? BECAUSE AT THE LOCAL LEVEL THE PEOPLE SITTING ON THE COUNSEL OR SITTING IN THE MAYOR'S OFFICE ARE FRIENDS AND NEIGHBORS OF THE PROPONENTS OF THE

M 406

LEGISLATION, WHILE THE TOBACCO LOBBYISTS ARE HIRED GUNS FROM OUT OF TOWN WHO HAVE NO LOCAL TIES TO THE COMMUNITY, AND THERE ARE SIMPLY TOO MANY TOWNS AND CITIES FOR EVEN THE TOBACCO INDUSTRY TO SEND A LOBBYIST TO EVERY HEARING. FAR BETTER FROM THE INDUSTRY'S POINT OF VIEW TO KEEP EVERYTHING IN THE STATE LEGISLATURE WHERE MONEY AND INFLUENCE CAN HELP WIN THE DAY. AND THERE IS NO WAY THAT HEALTH ADVOCATES CAN COMPETE WITH THE MONEY THE TOBACCO INDUSTRY IS ABLE TO SPEND AT THE STATE LEVEL, AND WITH THE INFLUENCE THAT PEOPLE LIKE MYSELF CAN WIELD WITH OUR FORMER COLLEAGUES. I COULD EASILY CALL THE SPEAKER OF THE HOUSE, OR THE PRESIDENT OF THE SENATE AND KNOW THAT THEY WOULD TAKE MY CALL EVEN IF THEY WERE IN THE SHOWER.

AND SO, IRONICALLY IN AN ERA WHERE MORE AND MORE POWER IS BEING DEVOLVED TO GOVERNMENTS CLOSER TO THE PEOPLE THE TOBACCO INDUSTRY WANTS TO TAKE IT AWAY. I REPEAT PREEMPTION OF THE LOCAL REGULATORY AUTHORITY IS THE NUMBER ONE GOAL OF THE TOBACCO INDUSTRY NATIONWIDE.

THEY HAVE TRIED IT ALL OVER THE COUNTRY WITHIN THE LAST FEW YEARS, FROM CALIFORNIA TO MAINE, AND THEY WILL NO DOUBT BE BACK NEXT YEAR AS WELL. I EMPHATICALLY URGE THE STATE LEGISLATURE TO FOLLOW THE LEAD OF TEXAS GOVERNOR GEORGE BUSH AND OTHERS: REJECT THE TOBACCO INDUSTRY'S ATTEMPT TO TAKE POWER AWAY FROM YOUR OWN CITIZENS. BELIEVE ME, I KNOW WHAT THE CONSEQUENCES OF ALLOWING THE TOBACCO INDUSTRY TO DICTATE POLICY CAN BE.

M 5066

The Toll of Tobacco in Nevada

Tobacco Use in Nevada

High school students who smoke	25.2%(24,000)
Male high school students who use smokeless or spit tobacco	11.1% (females use much lower)
Kids (under 18) who become new daily smokers each year	6,600
Kids exposed to secondhand smoke at home	84,000
Packs of cigarettes bought or smoked by kids each year	5.2 million
Adults in Nevada who smoke	29.0% (382,000)

National youth smoking rates have declined somewhat since 1997, but remain at historically high levels. According to the National Youth Tobacco Survey, 28.4% of all U.S. high school kids smoke and 11.6% of high school males use spit tobacco. Adult smoking rates have decreased gradually since the 1980s, and 23.3% of U.S. adults now smoke.

Deaths in Nevada From Smoking

Adults who die each year from their own smoking	3,300
Kids now under 18 and alive in Nevada who will ultimately die prematurely from smoking	56,000
Adults, children, & babies who die each year from others' smoking (secondhand smoke & pregnancy smoking)	300 to 540

Smoking kills more people than alcohol, AIDS, car crashes, illegal drugs, murders, and suicides combined -- and thousands more die from other tobacco-related causes -- such as fires caused by smoking (more than 1,000 deaths/year nationwide) and smokeless tobacco use. No good estimates are currently available, however, for the number of Nevada citizens who die from these other tobacco-related causes, or for the much larger numbers who suffer from tobacco-related health problems each year without actually dying.

Smoking-Caused Monetary Costs in Nevada

Annual health care costs in Nevada directly caused by smoking	\$440 million
- Portion covered by the state Medicaid program	\$96 million
Residents' state & federal tax burden from smoking-caused government expenditures	\$521 per household
Smoking-caused productivity losses in Nevada	\$762 million

Amounts do not include health costs caused by exposure to secondhand smoke, smoking-caused fires, spit tobacco use, or cigar and pipe smoking. Other non-health costs from tobacco use include residential and commercial property losses from smoking-caused fires (more than \$500 million per year nationwide); extra cleaning and maintenance costs made necessary by tobacco smoke and litter (about \$4+ billion nationwide for commercial establishments alone); and additional productivity losses from smoking-caused work absences, smoking breaks, and on-the-job performance declines and early termination of employment caused by smoking-caused disability or illness (dollar amount listed above is just from productive work lives shortened by smoking-caused death).

Tobacco Industry Influence in Nevada

Annual tobacco industry marketing expenditures nationwide	\$9.7 billion
Estimated portion spent for Nevada marketing each year	\$71.0 million

Published research studies have found that kids are three times more sensitive to tobacco advertising than adults and are more likely to be influenced to smoke by cigarette marketing than by peer pressure, and that one-third of underage experimentation with smoking is attributable to tobacco company advertising.

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