

June 12, 2023

Dear Zoning, Neighborhood, and Development Committee Members,

The undersigned organizations wanted to provide some additional information as you consider file #230097 in your meeting tomorrow. Commercial tobacco\* use remains the number one cause of death in Wisconsin, and costs Wisconsin \$4.72 billion in health care and lost productivity.<sup>1</sup> As smoking rates decline, e-cigarette use rates increase, particularly among youth.<sup>2</sup> Unfortunately, residents of Milwaukee use conventional cigarettes and e-cigarettes at higher rates than state averages.<sup>9</sup>

“Vaping” is widely unregulated. Licensed tobacco retailers must provide employees with standard sales training. They must purchase tobacco from permitted distributors, and they must obey tax laws. However, vape shops don’t have to follow all these rules. Since state statute doesn’t classify them as tobacco retailers, they operate without a license.

- E-cigarettes often contain harmful and cancer-causing chemicals, heavy metals, and nicotine.<sup>3</sup>
- Some vape product labels do not disclose that they contain nicotine, and some vape liquids marketed as containing 0% nicotine have been found to contain nicotine.<sup>3</sup>
- Youth e-cigarette and cigarette use have been associated with mental health symptoms such as depression. In 2021, the Youth Tobacco Survey (a national study) found that the most common reason given for continuing to use e-cigarettes is, “I am feeling anxious, stressed, or depressed.”<sup>3</sup>
- After a 2020 federal law limited fruit and candy flavors in e-cigarettes, flavored disposable “vapes” and sweet e-cigarette juices made for refillable devices proliferated. 92% of Wisconsin high schoolers say they would not use unflavored tobacco products.<sup>4</sup>

State statute preempts municipalities from increasing tobacco taxes or enacting tobacco retailer licensing ordinances stronger than state law. One policy solution available to Wisconsin localities is zoning ordinances to limit tobacco retailers and/or vape shops.

Environments where people are born, live, learn, work, play, and worship have a major impact on people's health. In Wisconsin, tobacco retailers are more likely to sell products near playgrounds and schools in low-income communities than in more affluent neighborhoods.<sup>5</sup> Exposure to retail marketing is linked to kids starting to use tobacco, and it makes it harder for smokers to quit, as it normalizes tobacco use, triggers impulse purchase, and discourages quit attempts.<sup>6,7</sup>

Thank you for your work and we applaud your commitment to explore long-term solutions to address this important issue. Please do not hesitate to reach out to us with any questions.

Sincerely,



\* This letter focuses on commercial tobacco - mass-produced products sold for profit that contain chemical additives. Native Americans have used traditional tobacco in sacred ways for centuries. By focusing tobacco prevention and control on commercial tobacco, we acknowledge and respect sovereign tribal nations' relationship with sacred tobacco.

<sup>1</sup> Campaign for Tobacco-Free Kids. (2022). *The Toll of Tobacco in Wisconsin*. Campaign for Tobacco-Free Kids.  
<https://www.tobaccofreekids.org/problem/toll-us/wisconsin>

<sup>2</sup> Public Health Law Center. Electronic Delivery Device Sample Language for Local Government Regulation, September 2013. Americans for Nonsmokers' Rights. Model Ordinance Prohibiting Smoking in All Workplaces and Public Places. Accessed June 2014.

<sup>3</sup> Centers for Disease Control and Prevention. (2022, November 10). *Quick Facts of the Risks of E-Cigarettes for Kids, Teens, and Young Adults*. Smoking and Tobacco Use.  
[https://www.cdc.gov/tobacco/basic\\_information/e-cigarettes/Quick-Facts-on-the-Risks-of-E-cigarettes-for-Kids-Teens-and-Young-Adults.html#five](https://www.cdc.gov/tobacco/basic_information/e-cigarettes/Quick-Facts-on-the-Risks-of-E-cigarettes-for-Kids-Teens-and-Young-Adults.html#five)

<sup>4</sup> Wisconsin Department of Health Services. (04/2023). *High School Snapshot-Findings from the Youth Tobacco Survey 2022*.  
<https://www.dhs.wisconsin.gov/publications/p01624.pdf>

<sup>5</sup> Healthy People 2030. (2022). *Social Determinants of Health*. Healthy People 2033. <https://health.gov/healthypeople/priority-areas/social-determinants-health>

<sup>6</sup> Wisconsin Department of Health Services. (2018). *Tobacco is Changing: See how menthol damages vulnerable communities*. [PDF file].  
<https://www.dhs.wisconsin.gov/publications/p02040c.pdf>

<sup>7</sup> Center for Public Health Systems Science. Point-of-Sale Strategies: A Tobacco Control Guide. St. Louis: Center for Public Health Systems Science, George Warren Brown School of Social Work at Washington University in St. Louis and the Tobacco Control Legal Consortium; 2014

<sup>8</sup> Wisconsin Department of Health Services. (2023). *Tobacco is Changing- Flavored Tobacco Products*. Tobacco is Changing  
<https://dhs.wisconsin.gov/tobaccoischanging/flavored-products.htm>

<sup>9</sup> WI Behavioral Risk Factor Surveillance System Survey [BRFSS]. [Report in Preparation]. (2021). WI Tobacco Prevention and Control Program.