



May 27, 2015

Ms. Jenny Leaman, Committee Secretary  
Legislative Council, Parliament House  
Hobart, TAS 7000

**Re: Support for Public Health Amendment (Tobacco Free Generation) Bill 2014 (No. 40)**

Dear Committee Members:

We are writing to express our support for Public Health Amendment (Tobacco Free Generation) Bill 2014 (No. 40). As you are no doubt aware, tobacco products kill more people than alcohol, AIDS, car accidents, illegal drugs, murders and suicides combined worldwide. Smoking is responsible for up to 30% of all cancers in Tasmania and an average of 568 Tasmanian's die a year from tobacco related causes. Left unchecked, tobacco use will kill 1 billion people in the 21<sup>st</sup> century.

While Tasmania is a leader on many tobacco control initiatives, the results of the 2011 Australian Health Survey indicated that Tasmania continues to have the highest smoking rates of all Australian states. In 2011, Tasmania's current smoking rate was 21.7% compared to a national current smoking rate of 18%. Australia spends more than \$1.8 billion a year on tobacco related health care.

The Framework Convention on Tobacco Control (FCTC), the first international treaty on public health, sets out specific steps and best practices for tobacco control. While the FCTC is extremely effective, more needs to be done to end the death and disease caused by tobacco.

The concept of "Tobacco Free Generation" (TFG) does just that. It proposes an "end game" strategy for tobacco. By increasing the minimum legal age to purchase every year, TFG phases out tobacco. The idea is that, in a generation or two, there will no longer be death, disease or addiction related to tobacco.

TFG is unique because it truly intends to end tobacco use. Children born today will never be able to legally buy tobacco. TFG solves many problems associated with tobacco control. For example, children often get tobacco products from a friend; in fact 82% of adolescent smokers obtained tobacco from a friend, according to a California Tobacco Survey. Oftentimes, those friends are of legal age to purchase tobacco products. TFG prevents that- if a child born in the year 2005 is attempting to obtain tobacco products, they would have to find a friend more than five years older than them to purchase the cigarettes. As the age gap widens, the adult is significantly less likely to provide tobacco to a child.

TFG also helps to end the glamorization of smoking, particularly to teenagers. Currently, smoking is an adult only activity, which may increase the desire of adolescents to smoke in order to appear grown up. The minimum age requirement becomes a rite of passage. Kids don't smoke, than 18 year olds, in an effort to prove that they are adults, may be more inclined to. Current minimum age restrictions may also unintentionally undercut health warnings and public education. If smoking is acceptable for an 18 year old, why is it not for a 17 year old? Tobacco free generation solves both of these problems.



Tobacco Free Generation may be a financial boon as well. In 2004-2005, Australia spent over \$1.8 billion dollars on health care related to tobacco. If there are no replacement smokers in the next generation, those costs will decrease quickly and dramatically.

Of course, there are some concerns with the concept of TFG as well. One such concern is a potential increase in black market sales. However, TFG is intended to prevent today's youth from becoming addicted from tobacco. Those that are already addicted and over 18 are allowed to continue to purchase cigarettes. If there are no new addicts, and older citizens that are addicted are already permitted to legally purchase cigarettes, the black market should be minimal. Tasmania is also in a unique geographical position to counter a black market; as an island, it will be more difficult to bring illicit cigarettes into the jurisdiction.

Another concern is loss of income, both for the government and for the retailers. First, both the government and retailers have a long time to deal with this issue- there will continue to be smokers (born before 2000) for many years. Retailers have decades to move into a new business. Also, there is an easy solution for the government to maintain its income from tobacco taxes. If TFG is coordinated with laws regarding tobacco taxes, the state can increase taxes as the minimum legal age to buy tobacco increases. In this manner, Tasmania will not lose income from tobacco taxes, and current smokers will be more likely to quit. According to the WHO, in high-income countries like Australia, a 10% increase in tobacco prices will decrease consumption by about 4%.

Increasing tobacco taxes also helps alleviate another concern associated with TFG. Some are concerned that implementing Tobacco Free Generation will cause governments to, intentionally or unintentionally, give up on current smokers. However, if Tasmania, or any other locality interested in TFG, increases tobacco taxes, the government is encouraging current smokers to quit. The government could also use the proceeds from those taxes to continue or implement new public education campaigns.

There are other arguments based on legal concepts such as free choice or age discrimination. Governments protect their citizens from other toxic or lethal products every day. There is no concern about free choice when governments prevent citizens from using lead based paint or consuming diseased animal food products. There is no doubt that in some ways, the government would be impinging upon personal choice; however, the lives that would be saved outweigh the slight intrusion. Age discrimination is an argument that has cropped up in many other areas- motorcycle helmet laws, school immunizations, increase in drinking age, even in increase in the minimum age to buy tobacco products. These considerations are usually made using a balancing test- does the laws benefits outweigh the burden on the rights of those impacted. In a Tobacco Control Journal Article, Professor AJ Berrick illustrates that only 3% of future adults would have their desire to purchase tobacco products restrained by the TFG law. An average of 30% of all cancers in Tasmania are caused by tobacco. In order to prevent 30% of cancer, only 3% of people would be prevented from pursuing their desire to smoke. The balancing test seems clearly in favor of health in this case.

As you are likely aware, TFG is a popular concept in Tasmania: 85% of survey respondents support TFG, according to a poll conducted by the Menzies Institute. But the concept of Tobacco Free Generation (sometimes referred to as Tobacco Free Generation 2000) is gaining traction around the world. Since approximately 2010, there has been a movement to bring Tobacco Free Generation to Singapore- the concept has exploded as a social movement, and the law is likely to follow soon. In June of 2014, the British Medical Association announced its plans to propose Tobacco Free Generation legislation.



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As with any new policy, it is unclear how exactly Tobacco Free Generation will affect the population of Tasmania. However, in weighing the potential harms (some black market activity, a limited impingement of rights, some loss of income to both the government and retailers) against the potential benefits (thousands of lives saved), there is an obvious winner. TFG is one strategy that has not yet been employed against the tobacco epidemic, which continues to wreak havoc around the world. By implementing Tobacco Free Generation, Tasmania would not only be protecting its citizens and its finances from the toll of tobacco, but would also be leading the world into a new era of tobacco control. We encourage Tasmania to pass Public Health Amendment (Tobacco Free Generation) Bill 2014 (No. 40), and we would be happy to answer any questions or assist in any way.

With highest regards,

Laurent Huber  
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Action on Smoking & Health (ASH USA)

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President, Public Health Advocacy Institute

