

Approved: 3-19-98
Date

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Senator Lana Oleen at 11:10 a.m. on March 16, 1998, in Room 254-E of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department
Robin Kempf, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Midge Donohue, Committee Secretary

Conferees appearing before the committee:

Mr. Ken Hales, Deputy Commissioner, Juvenile Justice Authority
Ms. Helen Pedigo, Deputy Legal Counsel, Juvenile Justice Authority
Senator Don Biggs
Ms. Terri Roberts, Executive Director of the Kansas State Nurses Association,
Topeka
Ms. Susan Stanley, American Heart Association, Overland Park
Mr. Doug Wright, American Lung Association, Topeka
Mr. John Pepperdine, American Cancer Society, Topeka

Others attending: See attached list

The chair directed attention to **SB 682**, concerning juveniles, and opened the meeting to discussion of amendments drafted by staff, with input from the Juvenile Justice Authority (JJA), which incorporated proposals made by the Kansas County and District Attorneys Association (KCDAA). Staff briefed the committee on the proposed technical amendments and language changes; Mr. Ken Hales, Deputy Commissioner of the JJA, and Ms. Helen Pedigo, Deputy Legal Counsel for the JAA, explained the JJA's position on the proposals (Attachment #1).

Committee members asked for additional information on the amendments proposed by the KCDAA. The KCDAA was not represented at the meeting and committee members indicated they would not be comfortable including the amendments in the bill without further clarification on the purpose of the proposals.

Senator Becker moved to adopted the proposed technical amendments and language changes. Senator Biggs seconded the motion. The motion carried.

Senator Harrington moved to not adopt the amendments proposed by the Kansas County and District Attorneys Association. Senator Becker seconded the motion, and the motion carried.

Senator Harrington moved to favorably report the bill, as amended, to the full Senate. Senator Becker seconded the motion. The motion carried.

Senator Oleen, noting the time, announced that proponents of the bill would be heard today, with opponents being rescheduled for tomorrow.

The hearing was opened on:

SB 606 **An act concerning cigarettes**

Senator Biggs, sponsor of **SB 606**, spoke in support of the bill (Attachment #2), explaining that its purpose is to prohibit the distribution of free samples of cigarettes and other tobacco products in Kansas. He remarked that, regardless of the stated intent of tobacco marketers not to target youth under the age of 18, teenagers have access to the products. Senator Biggs referenced survey results (attached to his written testimony) which

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE, Room 254-E, Statehouse, at 11:10 a.m. on March 16, 1998.

show that the great majority of Kansans, smokers as well as non-smokers, favor prohibiting the free distribution of cigarettes and tobacco products. He closed his remarks by reading from the written testimony submitted by Ms. Tenille Poling, a junior at Colby High School, supporting the bill, (Attachment #8)

Ms. Terri Roberts, Executive Director of the Kansas State Nurses Association, a proponent of **SB 606**, referenced a study released by the Journal of the American Medical Association which focused on the impact cigarette promotion has on adolescent smoking (Attachment #3). She noted the research concluded that more than half of teens surveyed were able to name a favorite cigarette advertisement, and the study attributed tobacco promotional activities to 34% of all experimentation. Ms. Roberts maintained that the most effective means to ensure that cigarette products do not get into the hands of minors is to ban distribution of all cigarette and tobacco samples in the state. She stated that banning samples would have no fiscal impact on area businesses and pointed out that free samples, with no purchase required, are an advertising ploy to entice the susceptible.

Ms. Susan Stanley, a volunteer with the American Heart Association and a former prosecutor, directed her testimony in support of **SB 606** to enforcement provisions (Attachment #4) and suggested that an amendment be added to include samples of "tobacco products". She discussed language of the current statute which she said, from an enforcement prospective, means that law enforcement officials need to be present at events to execute "controlled buys". Ms. Stanley pointed out that this is labor intensive investigation, and she reiterated her support for prohibiting the distribution of all cigarette and tobacco samples.

Mr. Doug Wright, Topeka, representing the American Lung Association of Kansas, summarized his written testimony (Attachment #5) and asked the committee to support passage of **SB 606** and its goal of reducing tobacco consumption among the citizens of Kansas. (His testimony referenced several brochures detailing tobacco health hazards of cigarette smoking and the use of other forms of tobacco which are available at the American Lung Association, 4300 Drury Lane, Topeka.) Mr. Wright pointed out that exposure to tobacco samples can trigger a first use for a minor, as well as the individual who is trying to quit smoking or chewing, and that many who try their initial cigarette as a sample are taking the first step to long-term addiction. Noting that tobacco use is the single most preventable cause of death, he stated that every possible means must be taken to protect children from experimenting with and becoming addicted to tobacco. He urged the committee to favorably recommend **SB 606** for passage.

Mr. John Pepperdine, manager of Government Relations for the American Cancer Society, told the committee he represented thousands of volunteers and staff of the Society who support a ban on the distribution of free tobacco products (Attachment #6). He talked about tobacco product exhibits at the state fair, local rodeos and similar events and the influence they have on children, noting also other promotional tobacco-related "give-aways" are distributed which are attractive to youngsters. Mr. Pepperdine said the American Cancer Society strongly opposes free samples because they allow children easy access to tobacco and encourage use before they are adults.

The chair, noting that testimony given had referenced all tobacco products, recognized Senator Biggs who explained that there was a proposed amendment to **SB 606** that would apply to the distribution of samples of all tobacco products.

For clarification purposes as a result of questions from committee members, Senator Oleen explained that the bill, as written, would not allow the distribution of samples to anyone of any age.

Senator Oleen inquired if anyone else was present who wished to offer verbal testimony today in support of **SB 606**. There being none, she entered into the record the following additional written testimony supporting the bill:

Ms. Sally Finney, Kansas Public Health Association, Topeka (Attachment #7)
Miss Tenille Poling, high school student, Colby (Attachment #8)
Ms. Miranda Raney, Kansas State University student, Manhattan (Attachment #9)

The hearing on **SB 606** will be continued tomorrow when proponents of the bill are scheduled to be heard.

The meeting adjourned at 12:00 noon.

SENATE FEDERAL & STATE AFFAIRS COMMITTEE
GUEST LIST

DATE: 3-16-98

NAME	REPRESENTING
<i>Vally Finney</i>	<i>Kansas Public Health Association</i>
<i>Cindee Stallan</i>	<i>American Heart Assoc.</i>
<i>Duney Doney</i>	<i>American Heart Assn.</i>
<i>John Pepperdine</i>	<i>American Cancer Society</i>
<i>Carol Ummer</i>	" "
<i>Cristina Miller</i>	" "
<i>Julia Francisco</i>	<i>KDHE</i>
<i>Bridget Mburu</i>	<i>Tobacco Free Ks. Coalition</i>
<i>TOM PALACE</i>	<i>KOMA</i>
<i>Andrew Winbrock</i>	<i>Sen. Biggs (Page)</i>
<i>Dennis Stillwell</i>	<i>Sen. Biggs (Page)</i>
<i>KATY JACKSON</i>	<i>SEN BIGGS (PAGE)</i>
<i>Mary Kaye Hellebusch</i>	<i>Kansas Smokeless Kids Initiative</i>
<i>Kathie Farrell</i>	<i>Whitney Samson, P.A.</i>
<i>STEVE KEARNEY</i>	<i>KOMA</i>
<i>Denny Koch</i>	<i>UST PUBLIC AFFAIRS</i>
<i>Michelle Peterson</i>	<i>PPAG</i>
<i>Jon Decker</i>	<i>McCill's Asso.</i>



JUVENILE JUSTICE AUTHORITY

JAYHAWK WALK
714 SW JACKSON, STE 300
TOPEKA, KS 66603

March 9, 1998

Senator Lana Oleen
Federal and State Affairs Chair
State Capitol

Dear Senator Oleen:

Thank you for the opportunity to testify before your committee Friday, March 6. As a follow-up I have evaluated the proposal submitted by the Kansas County and District Attorneys Association. The agency's position on this and random drug testing follows.

Regarding drug testing, at some point in time the agency would like to pursue random testing. Perhaps in a future session we will come forward with a joint corrections system-wide proposal regarding random testing. However, at this time we would prefer to have juvenile correctional facility staff and contractors covered by existing provisions for preemployment and reasonable suspicion testing as Department of Corrections facility staff are covered presently. In answer to Senator Jones' question regarding the definition of reasonable suspicion, the term is defined in the attached regulation.

This letter also serves as a statement of the agency's position regarding Senate Bill 682 amendments proposed by the Kansas County and District Attorneys Association March 6, 1998.

K.S.A. 38-1602(b)(3): The agency supports this technical amendment as it provides more clarity in defining who is NOT a juvenile offender for purposes coverage under the juvenile code.

K.S.A. 38-1663

Subsection (a)(5) and (a)(7): The agency supports this amendment as it is consistent with the philosophy that detention should be age appropriate. This section had included a provision allowing detention in jail when the offender was more than 18 years of age (subsection (a)(7)) which has been stricken. This amendment expands use of that provision from 7 days to up to a maximum 28 days with 7 day reviews, making jail terms consistent with sanction house terms for those offenders under the age of 18.

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Attachment: #1

Senator Lana Oleen
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Page 2

Subsection (a)(8): The agency supports this technical amendment as it provides more clarity in defining the adjudications necessary for a direct commitment to a juvenile correctional facility from the present until the placement matrix becomes effective in 1999.

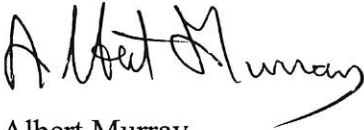
Subsection (f): The agency supports this amendment regarding court ordered drug and alcohol evaluations of offenders, as it provides clarification with the exception of the reference to K.S.A. 21-3610, furnishing alcohol to a minor, and 21-3610a, furnishing a cereal malt beverage to a minor. While the agency supports this amendment in general, we question whether it should be mandatory that the court order a drug and alcohol evaluation when the offense is not consumption, but rather providing alcohol or cereal malt beverage to another minor. The other language in this section narrows the period of time to within one year of sentencing if an evaluation is already on file, before another evaluation would be mandated in a new case. The agency takes no position on this language.

K.S.A. 38-1691(c): The agency takes no position on this amendment which further defines when a juvenile can be moved from detention to jail. We think it may codify present practices in many areas of the state.

K.S.A. 38-16,129: These amendments of the placement matrix, while some are technical in nature, generally lower the threshold for entrance into juvenile correctional facilities. Passage of this amendment would more than likely increase the number of offenders eligible for entrance into the facilities, which may be inconsistent with the KYA philosophy of incarcerating only violent, serious, and chronic offenders at the state level, thus allowing a longer period of detention than is presently feasible to enhance public safety and promote rehabilitation. As the agency charged with custody of these offenders, we take no position on these amendments.

I hope this addresses your concerns on these amendments. Please let me know if I can assist you further. Thank you for your consideration of this bill.

Sincerely,



Albert Murray
Commissioner

1-9-19a. Drug screening test for employees in designated positions.

(a) Any employee in a designated position may be required to submit to a drug screening test in accordance with K.S.A. 1995 Supp. 75-4362 and K.S.A. 1995 Supp. 75-4363 based upon reasonable suspicion of illegal drug use by that employee.

(1) Reasonable suspicion involves a judgment, supported by specific articulable facts or plausible inferences, made regarding the employee's behavior, or evidence found or reported that indicates drug use by the employee. Reasonable suspicion may be based on, among other circumstances, one or more of the following:

(A) an on-the-job accident or occurrence where there is evidence to indicate:

(i) the accident or occurrence was in whole or in part the result of the employee's actions or inactions;

(ii) the employee exhibited behavior or in other ways demonstrated that the employee may have been using drugs or under the influence of drugs; or

(iii) a combination of these factors;

(B) an on-the-job incident that could be attributable to drug use by the employee including a medical emergency;

(C) direct observation of behavior exhibited by the employee which may render the employee unable to perform the employee's job, in whole or part, or which may pose a threat to safety or health;

(D) information that the employee:

(i) may be using drugs or is under the influence of drugs and such is affecting on-the-job performance; or

(ii) exhibits behavior that may render the employee unable to perform the employee's job or may have posed a threat to safety or health. Such information shall be supported by documentation which has been verified by a person with the authority to determine reasonable suspicion;

(E) physical on-the-job evidence of drug use by the employee or possession of drug paraphernalia;

(F) documented deterioration in the employee's job performance that could be attributable to drug use by the employee; and

(G) any other circumstance providing an articulable basis for reasonable suspicion.

(2) Agencies may ask a current employee in a designated position to submit to a drug screening test under the circumstances of reasonable suspicion as a condition of employment. Refusal to comply with these requirements shall be considered the equivalent of receiving a confirmed positive result for referral or disciplinary purposes.

(b) Each employee required to submit to a drug screening test shall be notified of that requirement in writing. Each employee required to submit to a drug screen shall be advised of:

- (1) the methods of drug screening which may be used;
- (2) substances which may be identified;
- (3) consequences of a refusal to submit to a drug screening test or a confirmed positive result; and
- (4) reasonable efforts to maintain the confidentiality of results and any medical information which may be provided.

(c) Procedures and testing personnel used in collecting, analyzing, and evaluating test samples shall meet the standards established by the director. Drug screening tests may screen for any substances listed in the Kansas controlled substances act. The substances to be identified by the tests and the threshold levels of those substances shall be determined by the director.

(d) Any employee who has reason to believe that technical standards were not adhered to in deriving the employee's confirmed "positive" result may appeal the result in writing to the director within 14 calendar days of receiving written notice of the result.

(e) A retest by the original or a different laboratory on the same or a new specimen may be authorized only by the director, if the director determines that the technical standards established for test methods or chain-of-custody procedures were violated in deriving a confirmed "positive" result or has other appropriate cause to warrant a retest.

(f) An employee who receives a confirmed "positive" drug screen result shall be subject to dismissal in accordance with K.S.A. 75-2949d, K.S.A. 1995 Supp. 75-4362 and K.A.R. 1-10-6 as follows.

(1) Except as provided in paragraph (2), the employee shall not be subject to dismissal solely on the basis of the confirmed positive result if the employee has not previously had a confirmed positive result or the equivalent and the employee successfully completes an appropriate and approved drug assessment and recommended education or treatment program.

(2) The employee shall be subject to dismissal pursuant to K.A.R. 1-10-6(e) if the employee is on probation, other than for a promotional appointment, at the time the employee was given written notice of the drug screen requirement.

(3) The employee shall be subject to dismissal in accordance with K.S.A. 75-2949f if the employee fails to successfully complete an appropriate and approved drug assessment and recommended education and treatment program.

(4) The employee shall be subject to dismissal, in accordance with K.S.A. 75-2949f, if the employee has previously had a confirmed "positive" result or the equivalent.

(5) This regulation shall not preclude the agency appointing authority from proposing disciplinary action in accordance with K.S.A. 75-2949d for other circumstances that occur in addition to a confirmed "positive" result and which are normally grounds for discipline.

(g) Any current employee who intentionally tampers with a sample provided for drug screening, violates chain-of-custody or identification procedures, or falsifies a test result shall be

subject to dismissal pursuant to K.S.A. 75-2949f.

(h) If the result of a drug screening test warrants disciplinary action and before any final action is taken, an employee with permanent status shall be afforded due process in accordance with K.S.A. 75-2949 and K.A.R. 1-10-6.

(i)(1) Individual results and medical information shall be considered confidential and shall not be disclosed publicly in accordance with K.S.A. 1995 Supp. 75-4362. An employee shall be granted access to the employee's information upon written request to the director.

(2) Each agency shall be responsible for maintaining strict security and confidentiality of drug screening records in that agency. Access to these records shall be restricted to the agency personnel officer, or a designee, persons in the supervisory chain of command, the agency legal counsel the agency appointing authority, or a designee, the secretary of administration, or a designee, department of administration legal counsel and the director, or a designee. Further access to these records shall not be authorized without the express consent of the director.

(Authorized by and implementing K.S.A. 1995 Supp. 75-4362 and K.S.A. 1995 Supp. 75-4363; effective, T-1-10-28-88, Oct. 28, 1988; effective Dec. 19, 1988; amended Feb. 19, 1990; amended April 13, 1992; amended May 31, 1996.)

DONALD E. BIGGS
 SENATOR, 3RD DISTRICT
 LEAVENWORTH & JEFFERSON COUNTIES



TOPEKA

SENATE CHAMBER

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 ARTS AND CULTURAL RESOURCES
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LEGISLATIVE HOTLINE
 1-800-432-3924
 (DURING SESSION)

March 16, 1998

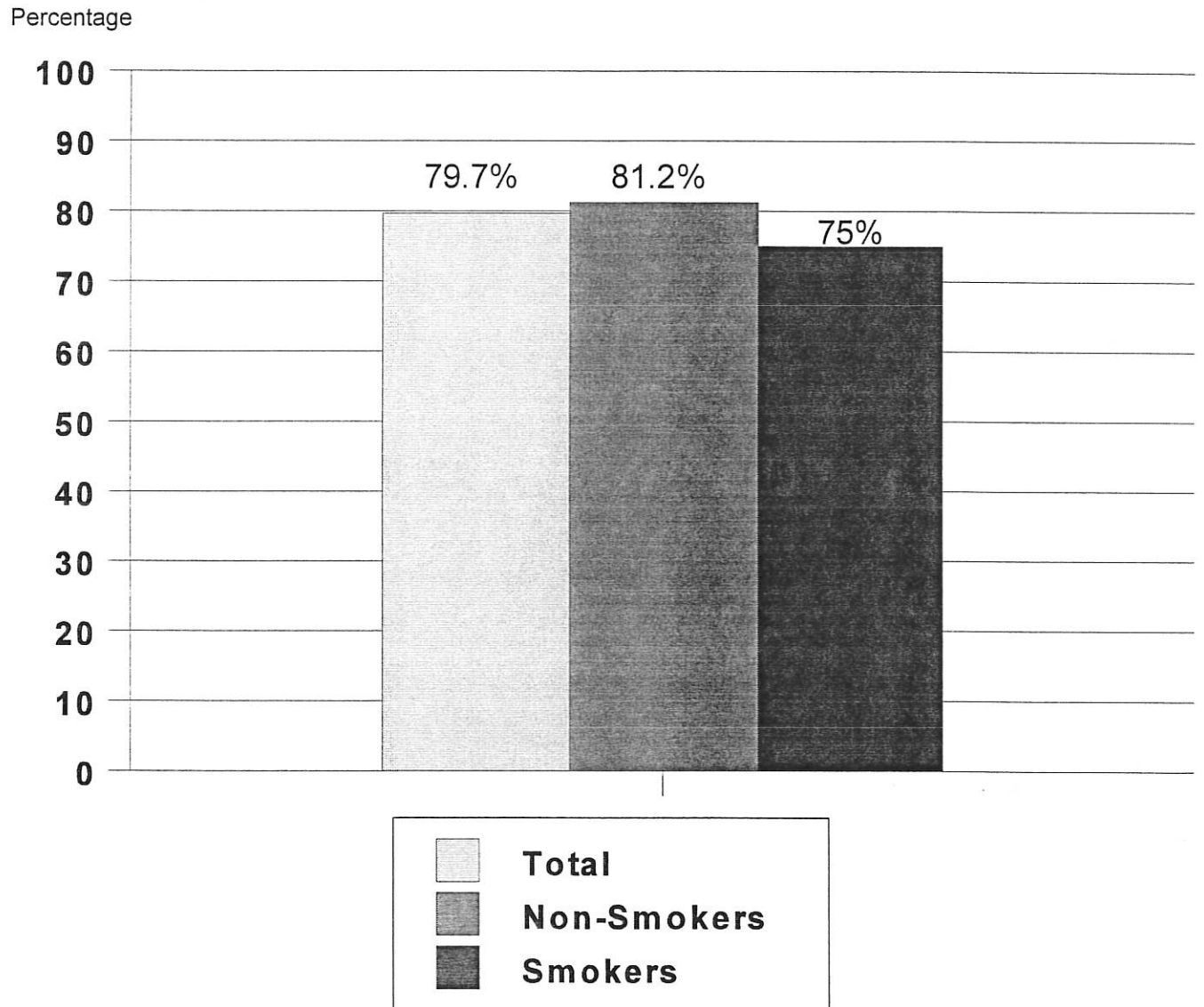
SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS
 TESTIMONY ON SB606
 BY SENATOR DON BIGGS

The purpose of SB606 is to prohibit the distribution of free samples of cigarettes and other tobacco products in Kansas. This is simple and straight forward legislation to stop a marketing technique that can be a vehicle to initiate the use of tobacco products to our youth and previous non-users. Choosing to smoke may be an adult decision, but about 11,000 children in our state make that decision every year. Spit tobacco use is common for Kansas boys. In 1997, 27% of 12th grade boys reported using smokeless or spit tobacco at least once in last 30 days; 23% of 10th grade boys; 15% of 8th grade boys; and even 6% of 6th grade boys.

Regardless of the stated intent of tobacco marketers to not target youth under 18, we know that teenagers find access. The same will continue to be true if we condone the use of free sampling. Recent survey results that I've attached show that the great majority of Kansans, smokers and non-smokers, favor prohibiting the free distribution of cigarettes and tobacco products.

You have written testimony from Tenille Poling, a junior at Colby High School. I would like to close by reading a portion of her testimony to you.

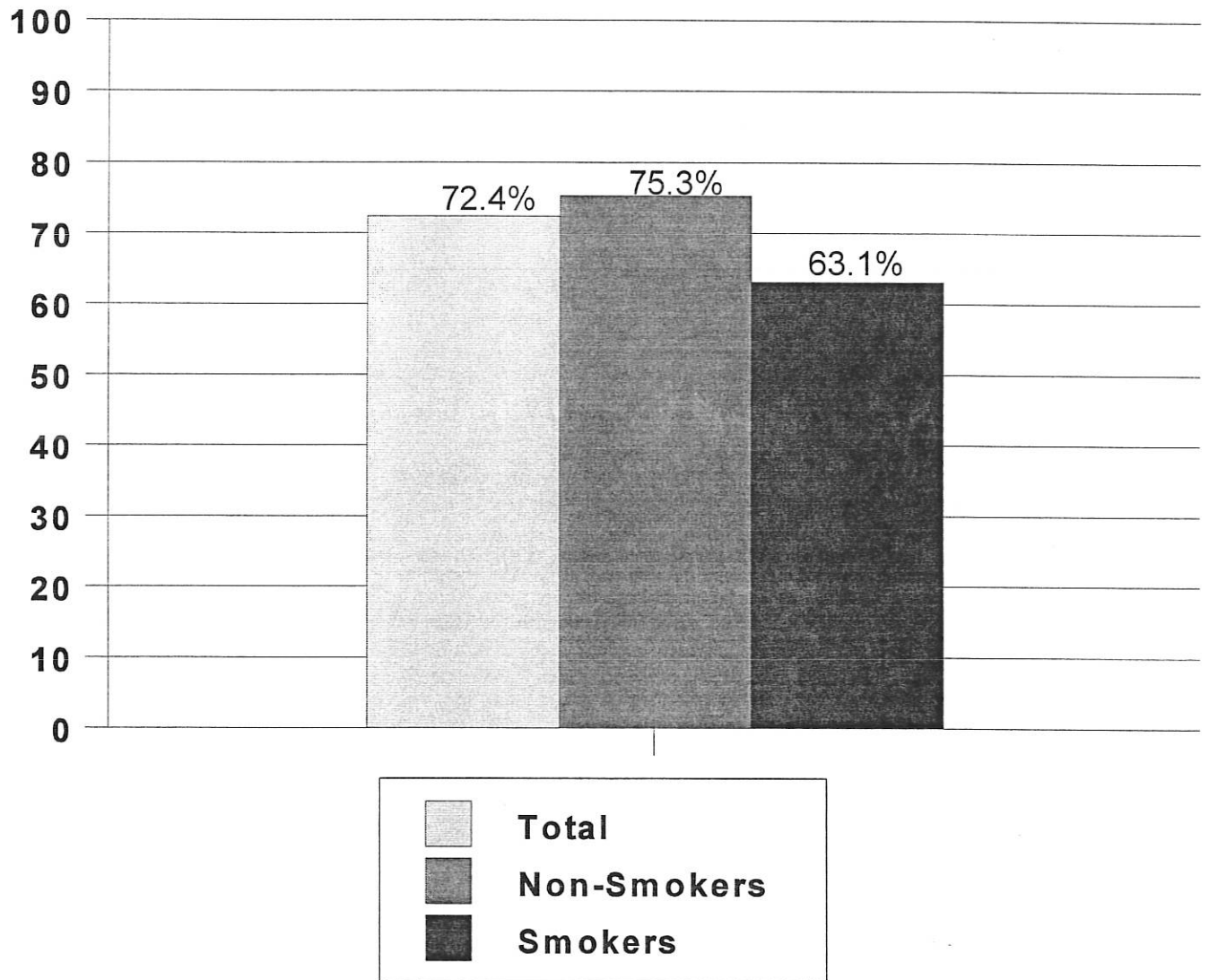
Kansans agree that the distribution of free cigarettes, chewing tobacco, and snuff on public streets should not be allowed.



Mathematica Policy Research, Inc., 1998

Kansans agree that the distribution of free cigarettes, chewing tobacco, and snuff at auto races, rodeos, fairs, music festivals, and sporting events should not be allowed.

Percentage



Mathematica Policy Research, Inc., 1998



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Debbie Folkerts, A.R.N.P.--C.
President

Terri Roberts, J.D., R.N.
Executive Director

For more information, contact:
Terri Roberts, J.D. R.N.
Executive Director
Kansas State Nurses Association
785-233-8638

March 13, 1998

SB 606 TESTIMONY

PROHIBITION OF DISTRIBUTION OF CIGARETTE SAMPLES TO MINORS

Senator Oleen and members of the Senate Federal and State Affairs Committee, my name is Terri Roberts, and I am the Executive Director of the Kansas State Nurses Association.

Thank you for the opportunity to address SB 606.

A recent study released by the Journal of the American Medical Association focused on the impact of cigarette promotion on adolescent smoking. The objective was to evaluate the association between the influence of tobacco advertisements and promotional activities, such as the distribution of free cigarette samples and those who were ultimately influenced to smoke. A total of 1752 adolescents ranging in age from 12 to 17 years, who had never smoked, were interviewed in 1993, and then again interviewed in 1996. The study included demographic data on sex, school performance, and ethnic background. More than half of the teens (979 teens) were able to name a favorite cigarette advertisement in 1993. The results found minimal differences in answers from respondents of different ages or sexes. 10% of those in the study possessed a promotional item and were willing to use it. The research concluded that 34% of all experimentation between 1993-1996 was attributed to tobacco promotional activities. This is projected nationally to over 700,000

The mission of the Kansas State Nurses Association is to promote professional nursing, to provide a unified voice for nursing in Kansas and to advocate for the health and well-being of all people.

Constituent of The American Nurses Association

Sen. Federal & State Affairs Comm.

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Attachment: # 3

adolescents per year. The findings are the first longitudinal study to show a causal relationship between tobacco promotional activities and the onset of smoking.

Kansas currently restricts the distribution of cigarette samples to minors. Forty-three states restrict the distribution in some manner. Nebraska outright bans the distribution of tobacco product samples to anyone. While we do not contest the right of an adult to smoke, we maintain that enforcement efforts to keep tobacco samples away from minors are almost impossible, and a waste of law enforcement time and tax payers dollars. The most effective way to ensure that cigarette products do not get in to the hands of minors, is to ban the distribution of all cigarette and tobacco samples in the state.

With the tobacco companies admitting complicity in focusing their advertising activities on children and adolescents, this is one arena where the state of Kansas does not have to participate. Ultimately, banning samples has no fiscal impact on area businesses. Free samples, with no purchases required, are merely an advertising ploy to entice the susceptible.

Kansas should not allow tobacco companies to provide free samples of a deadly, albeit legal agricultural product, particularly at a time when the tobacco industry is admitting to focusing advertising and marketing schemes at defenseless children.

THANK YOU

Kansas Affiliate, Inc.
5375 S.W. 7th Street
Topeka, Kansas 66606
Tel 785 272-7056
Fax 785 272-2425

Senate Federal & State Affairs
Testimony in Support of Senate Bill 606
March 16, 1998

Good morning and thank you for the opportunity to address this committee on behalf of the American Heart Association in support of SB 606.

My name is Susan Stanley and I am a volunteer with the American heart Association and a former prosecutor.

I have been directed to address my testimony to the enforcement provisions of K.S.A. 79-3313 and suggested amendments contained in the proposal.

Under the current language of the statute, companies are allowed to hand out free samples of their cigarettes as long as the samples are not provided to anyone under 18. From an enforcement prospective, this means law enforcement officials would need to be present at events such as concerts and rodeos to execute "controlled buys." (A controlled buy requires the assistance of an underage volunteer acting in cooperation with local law enforcement to attempt to receive the free samples. If the sample is provided to the underage person, a citation is written and directs the individual violating the law to appear at a hearing or to plead guilty or nolo contendere and pay a fine.)

This is a labor intensive investigation. Currently, the Department of Revenue, A.B.C. is charged with enforcement of this statute. It reports its efforts are concentrated almost entirely on executing controlled buys at retail establishments (grocery stores, convenience stores, etc.) Revenue reports the bulk of its underage sale complaints stem from these businesses.

The proposed amendment is cleaner than the current statute. It provides NO samples of cigarettes may be distributed. Knowing that this activity is totally prohibited, it is a safe assumption, companies will cease distribution in the state, therefore policing themselves.

It is important to note this amendment will not preclude distribution of free cigarette samples at industry sponsored functions held to promote their product to retailers.

For these reasons, we encourage your support of SB 606.

Sen. Federal & State Affairs Comm.
Date: 3-16-98
Attachment: #4

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**Testimony in support of SB 606
Before the Senate Committee on Federal and State Affairs
Douglas S. Wright
March 16, 1998**

Madame chairman and members of the committee, thank you for hearing me today. My name is Doug Wright. I am here as a volunteer for the American Lung Association of Kansas, where I am the immediate past president of the Board of Directors.

I ask you to support passage of Senate Bill 606 and its goal of reducing tobacco consumption among the citizens of Kansas.

Tobacco use is a leading contributor to death and disease in this country. An estimated one in five deaths is related to cigarette smoking. Attached to this testimony are several brochures from the Lung Association which detail the health hazards of cigarette smoking and all other forms of tobacco.

While the tobacco industry will say that free samples of tobacco products are used to influence brand choice, these freebies serve the very real aim of introducing non-users to this dangerous, addictive, potentially deadly product. Just as free breakfast cereal samples introduce a product with the hope of making future sales, so do tobacco samples. "Try some, it tastes good."

Exposure to tobacco samples can trigger a first use for a minor. It also can produce a difficult situation for the person who its trying to quit smoking or chewing and must summon additional will power to bypass a "free" sample.

Distribution of samples, by its very nature, does not check who is receiving the sample. Children under the legal tobacco use age of 18 can easily take these samples and use the tobacco. Many who try their initial cigarette as a sample are taking the first step to a long-term addiction.

Kansans agree that tobacco samples should not be distributed. A survey completed last month by Mathematical Policy Research for the Tobacco Free Kansas Coalition found that nearly 80 percent of Kansas adults felt free cigarettes, chewing tobacco and snuff should not be distributed on public streets, and nearly three-quarters thought these products should not be distributed at special events such as races, rodeos, music festivals and fairs.

**When You Can't
Breathe,
Nothing Else
Matters®**

Sen. Federal & State Affairs Comm.
Date: 3-16-98
Attachment: #5

Today, 30 Kansas children will smoke their first cigarette. Unfortunately, for many, it will not be their last. One third of those 30 children ultimately will die a slow, painful, premature death from tobacco-related disease. Many of those 30 children are only 12 years of age today.

Tobacco use is the single most preventable cause of death in our country. We must use every possible means to protect our children from experimenting with and becoming addicted to tobacco while they are still in middle or high school. We do not want to make a gift of that first cigarette.

Please help make it easier for every Kansan to realize the benefits of reduced cigarette smoke and report SB 606 favorably for passage. Thank you.

Attachments:

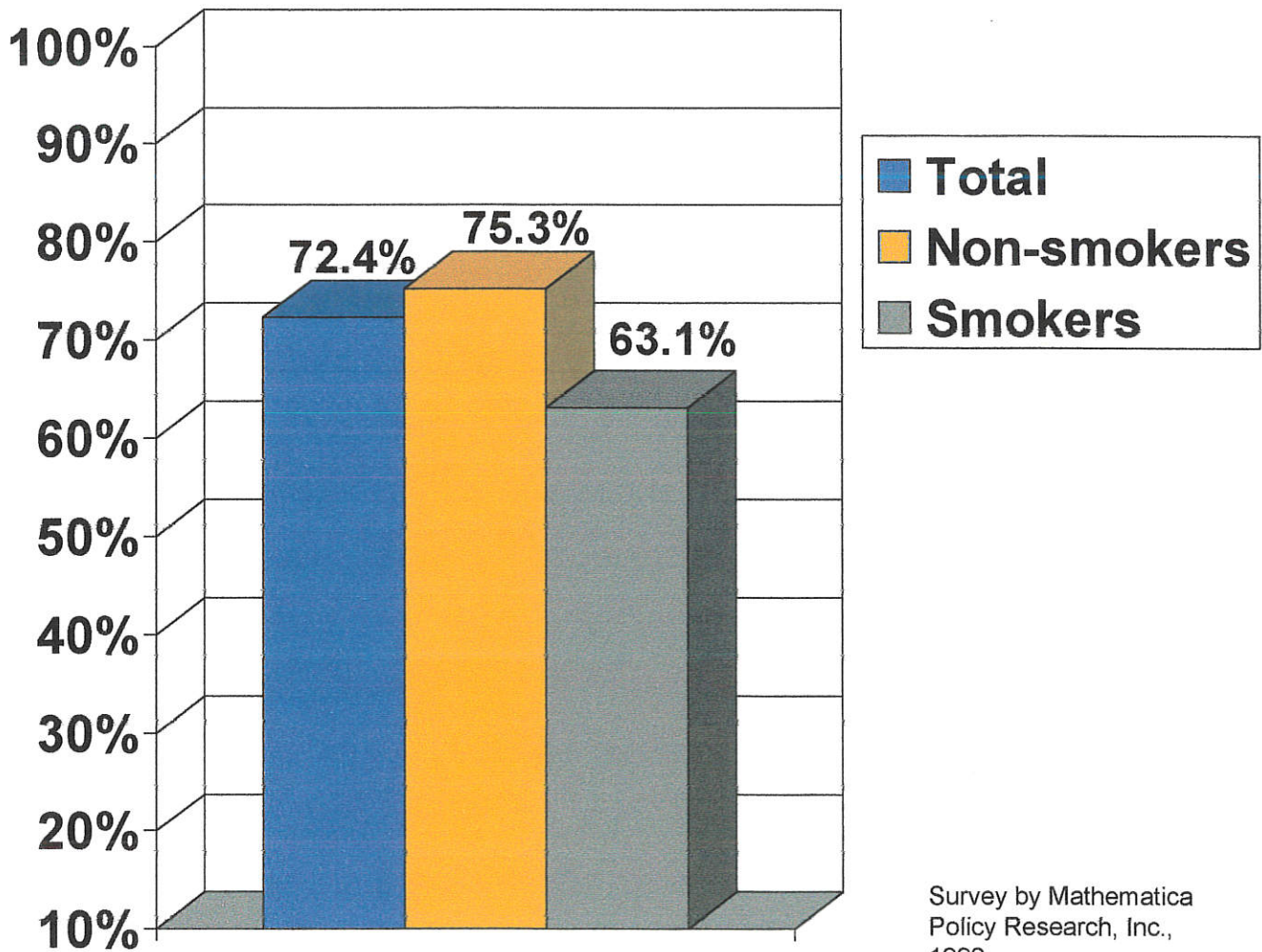
Is There a Safe Tobacco?

Nicotine Addiction and Cigarettes

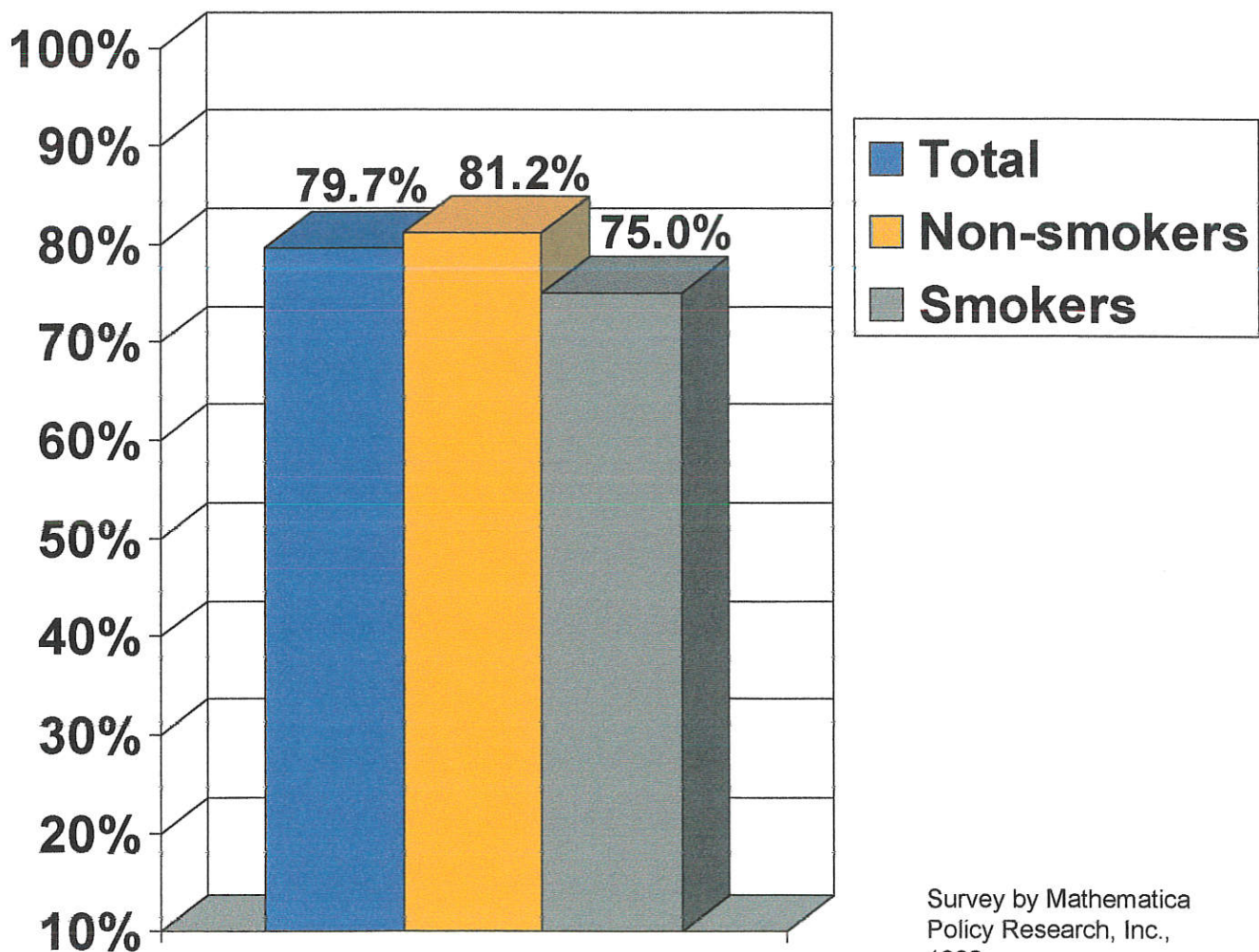
Questions and Answers about Smoking and Health

Graphs on tobacco samples distribution opinions

Kansans agree that the distribution of free cigarettes, chewing tobacco and snuff at auto races, rodeos, fairs, music festivals and sporting events should not be allowed.



Kansans agree that the distribution of free cigarettes, chewing tobacco and snuff on public streets should not be allowed.





HEARTLAND DIVISION, INC.

March 16, 1998

Written testimony by John Pepperdine
Manager of Government Relations
Committee on Federal and State Affairs

PROHIBITION OF DISTRIBUTION OF TOBACCO PRODUCT SAMPLES TO YOUTH
SB 606 TESTIMONY

Thank you for allowing me to speak. My name is John Pepperdine and I am Manager of Government Relations for the American Cancer Society. Representing the thousands of volunteers and staff here in Kansas, I am here to support a ban on distribution of free tobacco products.

Imagine you are at the State Fair, local rodeo, or similar event with your children. When you arrive there are various activities and games for everyone to enjoy. In the distance you see a large crowd and eagerly move toward it. When you move in closer, you notice free packs of cigarettes and cans of smokeless tobacco being thrown into the crowd. Everyone jumps for a free item - many do not even know what it is. Your own kids dive for the free samples. Realizing this, you firmly tell them to put the cigarettes down and explain the inherent risks.

But as you walk away, the distributor notices your hands are empty. He thrust a free Joe Camel flashlight into your hand and you walk away wondering how many children are there without their parents. Later, when driving home, you glance over to your children playing with the flashlight and wonder if they choose Joe Camel in the future.

This scenario is repeated over and over again throughout Kansas at rodeos, concerts, sporting events, and even the Renaissance Festival. The fact is free samples lure kids. As the tobacco industry becomes scrutinized more and more, disturbing trends begin to emerge. Please refer to the various articles I have brought with me. Many show very questionable and outright predatory behavior by the industry to target youth. The tobacco industry creates an excitement and interest about a product that kills 420,000 people per year.

The American Cancer Society strongly opposes free samples because they allow children easy access to tobacco and encourage use before they are adults. **It is irresponsible to distribute a product as dangerous and addictive as tobacco - free of charge.** If the tobacco industry is truly committed to making smoking or using smokeless tobacco an adult decision, than there should be no opposition to ending this random and predatory type of distribution.

Senators, thank you for your time.

Sen. Federal & State Affairs Comm.
Date: 3-16-98
Attachment: # 6

Study: Gifts may lure kids to smoking

USA TODAY - February 18, 1998

BYLINE: Robert Davis

BODY:

Tobacco advertising, especially free gifts, may lead kids who had no intention of smoking to light up, a new study says.

More than a third of the California kids who tried cigarettes over a four-year period did so in part because of tobacco promotional activities, says the study in today's Journal of the American Medical Association. The finding is based on interviews with 1,752 young people in California.

Children ages 12 to 17 were first questioned in 1993 about attitudes toward smoking. In 1996, they were interviewed again. Among the findings:

-- Children who had a favorite cigarette ad in 1993 were twice as likely, by 1996, to have started smoking or to be willing to start.

-- Those who owned cigarette promotional items, such as baseball caps or trademark lighters, or were willing to use one in 1993 were nearly three times as likely to have begun smoking by 1996.

-- Camel and Marlboro were named by 83% of the kids who had favorite ads, leading the authors to conclude that Joe Camel and the Marlboro Man got kids' attention.

"Parents need to tell their children that people are trying to sell them a bill of goods and teach them to be critical of what they see," says Elizabeth Gilpin, of the University of California at San Diego, who worked on the study.

She says Budweiser's talking frogs may grab the attention of children the way Joe Camel and the Marlboro Man did.

"Kids love animals and animation," she says. "They love animals that act like people."

Tobacco industry spokesman Scott Williams says ads with human and cartoon-like characters would be banned under the proposed global settlement under consideration by Congress. But the industry says it was not trying to hook children with its ads.

"It's easy to say kids like the ads, so therefore you are targeting kids," he says. "That's a big leap. I just don't buy into it."



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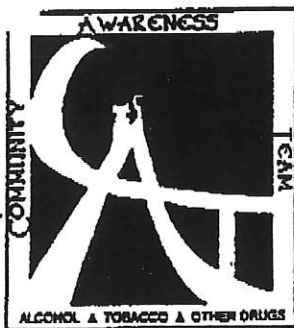
Written Testimony by Sally Finney
Kansas Public Health Association
Monday, March 16, 1998
Committee on Federal and State Affairs

On behalf of the Kansas Public Health Association, I ask you to support SB 606. Youth access to tobacco products is a major public health concern, and this legislation proposes limiting the use of these products by Kansas' children by prohibiting the distribution of tobacco product samples.

According to the American Lung Association, nearly 89% of adults who smoke started before the age of 18 years. In Kansas, the average age of first use of tobacco is 12 years. The tobacco industry's ploys to entice children to use their products are well documented. It is a fact that tobacco, when used as directed, kills. The tobacco industry learned long ago that it must aggressively recruit new users to its markets to replace its long-time customers because they die from using the industry's products. Making free samples available, be it at public events such as rodeos or through the Internet, gives the industry another avenue by which to show our children that use of this deadly substance is acceptable.

The provisions proposed in SB 606 are widely-accepted. Forty-three states and the District of Columbia restrict the distribution of free samples of tobacco products. The state of Kansas has a long standing tradition of caring for its youngest citizens. I ask that you continue that tradition by supporting SB 606.

Sen. Federal & State Affairs Comm.
Date: 3-16-98
Attachment: #7



COMMUNITY AWARENESS TEAM

c/o Regional Prevention Center
of Northwest Kansas
990 South Range, Suite 7
Colby, Kansas 67701

(785) 462-8152

TO: Members of the Kansas Senate
FROM: Tenille Poling
RE: SB 606
DATE: March 9, 1998

My name is Tenille Poling and I am a student at Colby High School. I have been involved in clubs, varsity sports, and this fall I was inducted into National Honor Society. I am also the vice-president of the junior class. In 1996 I was crowned Thomas County Rodeo Princess. As a member of my Community Awareness Team (CAT), I would like to thank you for allowing me to come and voice my opinions and support of senate bill 606.

Two years ago, at the Thomas County Fair, free samples of tobacco were going to be given away as part of the entertainment contract. Members of our Community Awareness Team felt that this would be an inappropriate message to be sent to the young fair participants. We petitioned the fair board and convinced them to renegotiate their contract. If the proposed bill is passed, community groups like ours wouldn't have to worry about these situations.

One reason we first opposed free samples being given away was that there is a high availability to kids whether these actions are strictly controlled or not. Almost all new tobacco users are children. Tobacco companies know this, and giving away free samples is an easy way to gain new addicts. A man I know was first hooked on chewing tobacco from a free sample that was given to him at a rodeo. Four years later he was fighting his addiction. These free samples can also be used as ploys to gain names for mailing lists that give away free merchandise and coupons.

Not all free samples will get into the hands of children, but somehow a few will find their way there. It is the responsibility of all of us to try and give these kids a better fighting chance. This would be a major step towards the effort of keeping kids and all Kansans from becoming addicted to one of the most addictive drugs there is--tobacco.

Sen. Federal & State Affairs Comm.

Date: 3-16-98

Attachment: # 8

Miranda Raney
1500 Manhattan Avenue
Manhattan, KS 66502
(785) 395-2919

**WRITTEN TESTIMONY
IN SUPPORT OF SB 606 CIGARETTE SAMPLING**

March 12, 1998

Senator Oleen and members of the Senate Federal and State Affairs Committee. My name is Miranda Raney. I am a freshman at Kansas State University and an advocate for a smoke-free society.

During the last 4 years I have visited various secondary and elementary schools, speaking with children about the effects of tobacco. I have listened to children explain to me how they do not like people smoking around them, but that they think Joe Camel is "cool." It is through advertisements that children can become attracted to smoking. When the tobacco industry decides to give away free samples along with advertising, children become addicted.

While it may be illegal to distribute free cigarette samples to minors in the state of Kansas, we know that it is still being done. As long as we have proof that retailers are selling cigarettes to minors, then we can assume that they are also giving away free samples to minors.

This kind of distribution can be very hard to monitor and control. I know that the best way to prevent our youth from obtaining free samples would be to prohibit the distribution of tobacco samples. This would eliminate minors receiving free samples and having the instruments to start smoking.

THANK YOU

Miranda Raney

Sen. Federal & State Affairs Comm.
Date: 3-16-98
Attachment: #9