

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Resolution No. 211-31(COR)

As amended on the Floor.

Introduced by:

B. J.F. Cruz
Judith T. Won Pat, Ed.D.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
Chris M. Duenas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.

Relative to requesting for the Obama Administration to support, and for the United States Senate to ratify, the World Health Organization Framework Convention on Tobacco Control, and its efforts to address and counteract the global epidemic derived from tobacco use.

1 **BE IT RESOLVED BY *I MINA'TRENTAI UNU NA LIHESLATURAN***
2 ***GUÅHAN*:**

3 **WHEREAS**, according to the Center for Disease Control, tobacco use is
4 responsible for over four hundred forty-three thousand (443,000) annual deaths in the
5 United States, and is recognized as the single most preventable cause of premature
6 deaths in our country. The global burden of disease from tobacco use is even more

1 staggering - an estimated five million (5,000,000) annual deaths according to the
2 World Health Organization (WHO); and

3 **WHEREAS**, in an effort to counteract this tremendous loss of human life and
4 productivity, in 2003 the WHO adopted the Framework Convention on Tobacco
5 Control (FCTC), a treaty designed to strengthen tobacco regulations and increase
6 awareness of the dangers of tobacco use, and its negative health effects worldwide;
7 and

8 **WHEREAS**, as one of the most quickly and widely ratified treaties in UN
9 history and one of the first global attempts to address a chronic, non-communicable
10 disease, the WHO FCTC represents a landmark development in international health;
11 and

12 **WHEREAS**, the WHO FCTC was signed by one hundred sixty-eight (168)
13 countries, and is legally binding in one hundred seventy-three (173)
14 ratifying/accessioned countries. The treaty came into force on February 27, 2005.
15 Unfortunately, the United States of America is one (1) of eleven (11) non-parties to
16 have signed the treaty in 2004, but to date has not ratified the treaty; and

17 **WHEREAS**, in 2005, as a member of the U.S. Senate, President Obama helped
18 draft a letter urging former President George W. Bush to send the treaty to the Senate
19 for ratification that states, “The FCTC is a historic opportunity to protect current and
20 future generations both at home and abroad from some of the devastating
21 consequences of tobacco use. The United States must be up to the challenge of turning
22 this opportunity into a reality”; and

23 **WHEREAS**, six (6) years later, the WHO FCTC has still not been referred to
24 the Senate. As a major base for tobacco production and manufacturing, and an
25 influential world power, the United States has a responsibility to ratify the framework
26 and take a more active role in both domestic and international tobacco control; and

1 **WHEREAS**, according to the American Heart Association, twenty-three
2 percent (23%) of American men, and eighteen percent (18%) of American women
3 over the age of eighteen (18) smoke. In addition, twenty-eight percent (28%) of
4 Americans are exposed to secondhand smoke, which causes an estimated three
5 thousand (3,000) lung cancer deaths, and forty-six thousand (46,000) heart disease
6 deaths each year; and

7 **WHEREAS**, research studies have found that children are three (3) times as
8 sensitive to tobacco advertising than adults, and are more likely to be influenced to
9 smoke by cigarette marketing than by peer pressure; and that a third of underage
10 experimentation with smoking is attributable to tobacco company advertising and
11 promotion; and

12 **WHEREAS**, in the United States, each day four thousand (4,000) youth under
13 the age of eighteen (18) try smoking for the first time; and each day one thousand
14 (1,000) youth under the age of eighteen (18) become new, regular daily smokers; and

15 **WHEREAS**, 800 million cigarettes, roughly \$2 Billion Dollars per year in sales
16 revenue, is consumed by our nation's youth everyday, and 19.8% of boys and 19.1%
17 of girls in high school are current smokers; and

18 **WHEREAS**, according to the Department of Public Health and Social
19 Services, tobacco use is increasing among Guam's middle school students; over sixty
20 percent (60%) of cancers on Guam are due to tobacco; sixty-six percent (66%) of
21 Guam's students are exposed to second hand smoke on Guam; and at least one (1)
22 person everyday dies from tobacco use; and

23 **WHEREAS**, \$96 Billion Dollars is the total annual public and private health
24 care expenditures related to smoking; \$30.9 Billion Dollars is the annual federal and
25 state government Medicaid payments related to smoking; and \$27.4 Billion Dollars is
26 the federal government Medicare expenditures related to smoking each year; and

1 **WHEREAS**, the annual health care expenditures solely from secondhand
2 smoke exposure is \$4.98 Billion Dollars, and \$97 Billion Dollars in productivity
3 losses is caused annually by smoking; and

4 **WHEREAS**, the tobacco industry spends \$10.5 Billion Dollars annually (over
5 \$28 Million Dollars daily) to market tobacco products nationwide; the tobacco
6 industry's contributions to federal candidates, political parties, and political action
7 committees is over \$2 Million Dollars annually; and in 2010, the tobacco industry
8 expended \$16.6 Million Dollars lobbying Congress; and

9 **WHEREAS**, despite the significant health impact that tobacco use has on both
10 smokers and non-smokers, U.S. tobacco legislation remains weak and insubstantial
11 compared to the widely accepted WHO FCTC policy. Federal health care programs do
12 *not* cover smoking cessation programs, and twenty-five (25) states do *not* have laws
13 banning smoking in public places; and

14 **WHEREAS**, unfortunately, the scale of tobacco usage globally is threatening
15 to become an epidemic of much larger proportions than any seen in the United States.
16 By 2030, tobacco use is expected to be the leading cause of death in the world, killing
17 an estimated eight (8) million people a year, with eighty percent (80%) of deaths
18 occurring in low and middle-income countries; and

19 **WHEREAS**, according to the WHO, tobacco use in the developing world is
20 rising by about 3.4 percent per year. In East Asia and the Pacific, the region of the
21 world with the highest proportion of smokers, nearly two-thirds of all adult men
22 smoke; and

23 **WHEREAS**, for low-income nations, tobacco use is often a double evil -
24 creating negative consequences for both the health and economic situation. Spending
25 on tobacco products accounts for about ten percent (10%) of the average smoker's
26 household income in Egypt, seventeen percent (17%) in the Minhang district of China,

1 and almost twenty percent (20%) in the Philippines - without even factoring in future
2 medical costs and loss of productivity; and

3 **WHEREAS**, legislation included within the WHO FCTC focuses on several
4 key issues, including raising greater awareness of smoking's consequences, regulating
5 tobacco advertising, and discouraging future tobacco use; and

6 **WHEREAS**, the United States has included some of these policies within the
7 2009 Family Smoking Prevention and Tobacco Control Act, but there are policies that
8 it failed to address. These policies include creating comprehensive education
9 programs on the consequences of tobacco use (including its "addictive characteristics"
10 and the side-effects of "exposure to tobacco smoke"), providing affordable and
11 accessible tobacco cessation programs, mandating stronger warning labels on cigarette
12 cartons, and implementing tax policy deliberately designed to reduce tobacco
13 consumption; and

14 **WHEREAS**, due to its failure to ratify the WHO FCTC, the U.S. has failed to
15 become the leader in protecting public health around the world, and the U.S. has an
16 obligation to take the lead in addressing the global tobacco epidemic due to the
17 tremendous toll in health, lives and money that tobacco use takes at home and abroad,
18 and because the U.S. is home to Philip Morris, the world's largest multinational
19 tobacco company; and

20 **WHEREAS**, the fact that the U.S. has signed the tobacco treaty has little
21 practical meaning if the U.S. does not ratify it, because only ratification can obligate
22 nations to implement its provisions. The U.S. has long been the world's scientific
23 leader in developing public health measures that reduce tobacco use. The tobacco
24 treaty enshrines as international law many of the solutions our own scientific
25 community has identified; and

26 **WHEREAS**, U.S. ratification of the treaty would signal that we remain
27 committed to advancing and implementing the science on how best to reduce tobacco

1 use. Ratification would send a strong message to the rest of the world that the U.S.
2 will put public health ahead of tobacco industry interests, and will not support the
3 tobacco companies when they challenge other nations' tobacco control measures as
4 violations of trade agreements; and

5 **WHEREAS**, *I Mina 'Trentai Unu Na Liheslaturan Guåhan* (the 31st Guam
6 Legislature) applauds the one hundred (100) countries, representing two-thirds of the
7 world's population, which have ratified the treaty. These countries include major
8 tobacco producing nations, such as China and Japan; countries with strong domestic
9 tobacco control policies, such as Thailand, Australia and Norway; and countries
10 hoping to use the treaty to improve laws and regulations, such as France and Mexico;
11 and

12 **WHEREAS**, ratification and effective implementation of the treaty are critical
13 to turning the tide of the global tobacco epidemic. Tobacco use already kills nearly
14 five (5) million people worldwide every year. If current trends continue, it will kill ten
15 (10) million people a year within two (2) decades, with seventy percent (70%) of
16 those deaths in developing nations. These nations have been the primary targets of the
17 tobacco companies, as smoking rates have slowly declined in more developed nations;
18 and

19 **WHEREAS**, in light of Guam's, our nation's, and the global pandemic of
20 noncommunicable diseases related to tobacco; in light of the pernicious highly
21 addicting toxins and chemicals found in cigarettes; in light of the horrible addiction
22 Guam's youth, our nation's youth, and our global youth have suffered as a result of
23 tobacco; in light of the escalating health care costs associated with noncommunicable
24 diseases derived from tobacco use; in light of the heavy influence the tobacco lobby
25 has wielded over our leaders; and particularly in light of the \$40 Billion Dollars the
26 U.S. tobacco industry raked in from more than one hundred (100) companies in 2010
27 despite increased regulations, the people of Guam and their duly elected

1 representatives from the 31st Guam Legislature, call upon President Barack Obama to
2 support the World Health Organization Framework Convention on Tobacco Control;
3 now therefore, be it

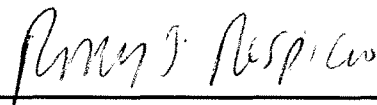
4 **RESOLVED**, that *I Mina'Trentai Unu Na Liheslaturan Guåhan* (the 31st Guam
5 Legislature) does hereby, on behalf of the people of Guam, request that the United
6 States Senate ratify the World Health Organization Framework Convention on
7 Tobacco Control; and be it further

8 **RESOLVED**, that *I Mina'Trentai Unu Na Liheslaturan Guåhan* does hereby
9 support the implementation and guidelines of the World Health Organization
10 Framework Convention on Tobacco Control on Guam, in the USA, and throughout
11 the world; and be it further;

12 **RESOLVED**, that the Speaker certify, and the Legislative Secretary attest to,
13 the adoption hereof, and that copies of the same be thereafter transmitted to the
14 Honorable Barack Obama, President of the United States; to the Honorable Hillary
15 Clinton, United States Secretary of State; to the Honorable Susan Rice, United States
16 Ambassador to the United Nations; to the Honorable John Boehner, Speaker of the
17 United States House of Representatives; to the Honorable Harry Reid, Majority
18 Leader of the United States Senate; to the Honorable Nancy Pelosi, Minority Leader,
19 United States House of Representatives; to the Honorable Tom Harkin, Chairman of
20 the Senate Health, Education, Labor and Pensions Committee; to Dr. Margaret Chan,
21 Director-General of the World Health Organization; and to the Honorable Edward J.B.
22 Calvo, *I Maga'lahaen Guåhan*.



JUDITH T. WON PAT, Ed.D.
Speaker



RORY J. RESPICIO
Acting Legislative Secretary