



## Advocacy Day Talking points

### HB 1174 – Youth Helmet Requirements

- Goal of legislation: to prevent brain injury in kids on bicycles, skateboards, inline scooters and skates on public property through signed Indiana legislation requiring helmets on children 17 and under.
- ISDH reports that 145,000 children in Indiana under 19 have residuals from traumatic brain injury.
- More children are injured on wheeled toys than in any other recreational activity. Youth sports are #2.
- Children diagnosed with multiple concussions or more serious head injury are high risk to enter the juvenile system and high risk for opioid, street drug and alcohol addiction (source Best Practice Guidelines for TBI in the Criminal Justice System – ISDH presentation June 2019).
- Youth who have sustained a brain injury are living with substantial and long term limitations socially, educationally, physically, emotionally, cognitively and behaviorally. Families can be destroyed. Income is lost.

### HB 1006 – Regulation of Tobacco Products

- **This bill does 5 things:**
  - 1) It enhances penalties for retailers who sell to underage users (including license suspension for repeat offenders) and extends the lookback to 36 months.
  - 2) It updates tobacco product definitions
  - 3) It requires annual renewal of tobacco sales certificates to help the ATC and DOR maintain better lists of active tobacco retailers
  - 4) Repeals penalties for underage tobacco users who likely need help with cessation, not tickets
  - 5) Extends the distance between a tobacco shop and a school from 200’ to 1,000’

#### **The need for enforcement & extended lookback:**

- Indiana had the 3<sup>rd</sup> highest violation rate for underage tobacco sales during random, unannounced retail inspections in 2018.
- According to the 2018 Indiana Youth Tobacco Survey, only 25% of Hoosier youth under 18 who tried to buy tobacco last year at a retail store were refused sale.



- About 20% of youth tobacco users in Indiana report accessing tobacco products from retail stores (vs. 5% via the internet)
- Nearly half of adolescents visit a convenience store at least once a week
- There are at least 27 states that have a longer lookback period for violations than Indiana
- There are at least 26 states that suspend tobacco licenses after multiple violations. Indiana does not.

### **The need for updated definitions:**

- Over the last decade, many new tobacco products have come to market and more new products are on their way. Our definitions need to keep up.
- These updated definitions are meant to be comprehensive and ensure that we don’t unintentionally exempt any products or product categories from regulation.

### **The need to repeal penalties on youth:**

- Youth tobacco users need access to cessation services, not expensive fines (up to \$500 in Indiana)
- Some research suggests penalties on youth tobacco use are counterproductive, increasing smoking among youth who seek to engage in “deviant” behavior.
- Penalties on youth tobacco use is inequitable—often targeting communities of color and LGBT youth
  - African-American and Hispanic youth report higher citation rates for underage tobacco use than white peers
- Long-term behavior correction is more likely to occur when those addressing the issue are loved or trusted, like parents or teachers, not law enforcement

## **SB 342 – Pregnancy and Childbirth Discrimination**

- Employers are already expected to provide reasonable accommodations for workers with disabilities. But because pregnancy is not, in and of itself, considered a disability, pregnant and lactating workers are not necessarily covered by the Americans with Disabilities Act (ADA) even though they may need small accommodations such as a stool or water bottle to remain on the job safely.
- In Indiana, nearly 85,000 women give birth every year, and our state has a 10% premature birth rate. Research has found reductions in pre-term birth when women modify their exposure to certain work conditions. Legislation assuring pregnant women that their employer will work with them to make any necessary small changes at work can reduce the risk of preterm birth.



- This law may also improve overall health and employers’ bottom line. A pregnant worker accommodation law will increase employee retention and morale, and reduce employers’ turnover and training costs, which can be quite high. It would also help employers avoid costly litigation by providing clearer guidelines for employers so they can anticipate their responsibilities. Furthermore, ensuring pregnant workers stay safe on the job will reduce healthcare costs.
- Each premature/low birth weight baby costs employers an additional \$49,760 in newborn health care costs. When maternal costs are added, employers and their employees pay \$58,917 more when a baby is born prematurely.

### **SB 449 - Juveniles**

- SB 449 would reduce the age from 14 years old to 12 years old for when a child may be tried in adult court for the offense of attempted murder, and it would require the child to bear the evidentiary burden against waiver.
- Trying and sentencing children in the adult system is not an age appropriate, developmentally appropriate or trauma informed justice response to youth in trouble with the law and will not improve public safety.
- Twelve and thirteen-year-olds who are likely victims of trauma themselves are not well served and in fact can be made worse in the Adult Court, where punishment, and not rehabilitation, is the primary purpose of incarceration.
- Research in adolescent development shows that children are more amenable to treatment and intervention. In the adult system, children are not afforded services that provide opportunities to mitigate toxic stress, acquire critical skills, competencies and experiences essential to their success as adults. In contrast, programs specifically designed for healthy development are available in the juvenile system, and rehabilitation is the driving goal.
- Children who are tried in adult court experience much higher recidivism rates than children handled in the juvenile justice system or in systems of restorative justice. Research shows they are 34% more likely to commit additional and more violent offenses than those children treated for similar offenses in the juvenile system.
- Transfer and Waiver to Adult Court disproportionately impacts children of color. Nationwide, 52% of cases in Adult Court involve African American children. Here in Indiana in 2017-18, 69% of all cases filed pursuant to the Direct File Statute involve African American children.