



November 27, 2019

Honorable Carl E. Heastie  
 Speaker of the New York State Assembly  
 Legislative Office Building Rm. 932  
 Albany, NY 12248

**Re: Youth Flavored Tobacco Crisis- Need to Ban Flavored Tobacco in NYS**

Dear Speaker Heastie:

We, the undersigned including a very broad range of organizations representing public health, health care professionals, people of color, schools, parents, and vulnerable populations, respectfully request that the Assembly Majority make it a priority to enact a comprehensive policy to prohibit the sale of *all* flavored tobacco products, including e-cigarettes and menthol cigarettes, as well as flavored cigars, pipe tobacco, hookah, smokeless tobacco. We recommend and strongly support a package of bills designed to do just this: S428-A, Hoylman/ A47-A, Rosenthal which would ban the sale of flavored e-cigarettes and S6809, Hoylman/ A8808, Bichotte which would ban flavored combustible and smokeless tobacco, including menthol cigarettes. Together, this package of bills comprehensively addresses the use and marketing of flavorings by tobacco companies to successfully addict their next generation of users.

The Massachusetts State Legislature has just approved a bill that would restrict the sale of all flavored tobacco products, including menthol cigarettes, which now awaits Governor Baker's

signature. We are hopeful that New York will be the next state to take this comprehensive and decisive action to address this public health epidemic.

### **Flavors Hook Kids**

The FDA has identified over 15,000 unique flavors for e-cigarettes and other tobacco products. While flavors like cotton candy, gummy bear, unicorn poop and blueberry seem particularly insidious, mint and menthol flavorings are just as damaging due to their soothing/cooling effect, which makes these products easier to start and harder to quit. We now know that these products have been heavily marketed to kids and it's working. *81% of youth who used a tobacco product chose a flavored product.* If it wasn't for flavors, we ask how many kids would have avoided picking up these products in the first place?

### **Flavors Have Been Used to Market Tobacco to Youth for Decades**

While flavored e-cigarettes are largely to blame for the youth e-cigarette use epidemic, we cannot overlook the much broader use of flavorings in all tobacco products which have been luring young people into trying these deadly products for decades. The federal government banned flavored cigarettes in 2009 – with one glaring omission – menthol cigarettes. In that time, countless New Yorkers, many of them younger than age 18, have initiated tobacco use and addiction with menthol cigarettes. The CDC reports that more than half (54%) of youth ages 12-17 years who smoke combustible cigarettes, use menthol cigarettes (compared to less than one-third of smokers ages 35 and older). This percentage is much higher for African-American youth - 70% report smoking menthol cigarettes.

Over many decades, menthol cigarettes have been disproportionately advertised to communities of color, which has led to greater use and disproportionate rates of death and illness as a result. The CDC reports that African Americans are more likely to die from smoking-related diseases (heart disease, cancer, stroke) than whites demonstrating the devastating effects of this predatory advertising.

### **Need for Comprehensive Solution**

We believe New York must take a stand against all flavored tobacco products, not just the recent proliferation of “vaping” products. Further, we are concerned that laws which only apply to one form of flavored tobacco would leave several others readily accessible in our communities as easy transitions for youth already addicted to nicotine. For this reason, New York must restrict the sale of all flavored tobacco products including menthol cigarettes so young people and others addicted to e-cigarettes do not simply switch to other tobacco products that are still available in many appealing, youth-focused flavors.

In his testimony at a recent Senate hearing on vaping/e-cigarettes, Dr. Andrew Hyland, Chair of the Department of Health Behavior at Roswell Park Comprehensive Cancer Institute and Director of the New York State Smokers' Quitline emphasized that “limits on flavors for all tobacco and vaping products is likely to reduce use of these products but limits only on e-cigarette flavors while not addressing other flavored products, like menthol cigarettes, is likely to increase cigarette smoking.” This is why a comprehensive policy that prohibits the sale of all flavored tobacco products is the only way to avoid these types of unintended consequences.

### **Youth Use of Other Tobacco Products on the Rise**

According to New York State Department of Health data released earlier this year, 4.8% of NY high schoolers currently use cigarettes. *This is 0.5% higher than in 2016, which is the first time youth cigarette smoking rates have increased since 2000.* We are concerned that menthol cigarettes and flavored other tobacco products (OTPs) provide an easy switch for kids who use flavored e-cigarettes and want to continue using products with flavors that they are used to. OTPs like hookah, snuff, and cigars are sold in a variety of flavors and it is not surprising that their youth use rate in New York State hovers around 9.2% - nearly double the rate of cigarette use.

### **\$10 Billion in Health Care Costs in NYS**

Every year in New York State, health care costs associated with smoking are nearly \$10 billion, with more than one third, or \$3 billion, of that amount falling under Medicaid. The proliferation of flavored tobacco products and skyrocketing rates of youth addicted to nicotine will only add to healthcare expenses related to tobacco use.

We believe that New York State has an opportunity to lead the country, once again, on tobacco issues and should enact a sales restriction on all flavored tobacco to effectively address youth tobacco use and improve the health of all New Yorkers. We look forward to working with you to continue New York's efforts to lead the nation in tobacco control. Marcy Savage, Reid, McNally & Savage will be in contact with your office to request a meeting to discuss further (contact [marcys@lobbywr.com](mailto:marcys@lobbywr.com)/ 518-465-7330).

Sincerely,

Albany NAACP  
American Cancer Society Cancer Action Network  
American Heart Association  
American Lung Association  
American Medical Association  
American Nurses Association - New York  
Campaign for Tobacco-Free Kids  
Community Health Care Association of New York State  
Healthcare Association of New York State  
Healthy Capital District Initiative  
March of Dimes  
Medical Society of the State of New York  
Mental Health Association in New York State  
New York Chapter American College of Physicians  
New York Public Interest Research Group  
New York School-Based Health Alliance  
New York State Academy of Family Physicians  
New York State American Academy of Pediatrics

New York State Association of County Health Officials  
New York State Association for Rural Health  
New York State Osteopathic Medical Society  
New York State Parent Teacher Association  
New York State Public Health Association  
New York State NAACP  
New York State Society of Anesthesiologists  
Parents Against Vaping e-cigarettes  
Roswell Park Comprehensive Cancer Center  
St. Peter's Health Partners  
Trinity Health