

very strong support of the SFY 2024 Executive Budget proposals to create a Tobacco-Free Generation in New York State.

These proposals, together take bold yet essential steps to make tobacco products both less appealing and more expensive for youth so they never start this deadly addiction. Ending the sale of menthol cigarettes and all other flavored tobacco, significantly increasing taxes on cigarettes, and fixing the loopholes and enforcement issues that continue to allow flavored e-cigarettes to be available to New York's kids are imperative to achieving these goals. Enacting these policies will have positive impacts on the health of New Yorkers for generations to come.

With approximately 12% of New York adults still smoking and 28,200 New Yorkers projected to die from smoking-related illness this year, communities across New York, especially those that have been targeted by and bear a disproportionate burden from predatory tobacco industry practices, will benefit greatly from these proposed reforms.

Ending the Sale of Menthol Cigarettes and All Other Flavored Tobacco Products

Flavors are a marketing weapon used by tobacco manufacturers to target youth and young people to a lifetime of addiction. Altering tobacco product ingredients and design, like adding flavors, can improve the ease of use of a product by masking harsh effects, facilitating nicotine uptake, and increasing a product's overall appeal. Mint, menthol, candy and fruit flavored tobacco products are a promotional tool to lure new, young users and are aggressively marketed with creative campaigns by tobacco companies.

Products with flavors like cherry, grape, cotton candy, mint and gummy bear are clearly not aimed at established, adult tobacco users and years of tobacco industry documents confirm the intended use of flavors to target youth. Furthermore, youth report flavors as a leading reason they use tobacco products and perceive flavored products as less harmful.

If New York is to ever succeed in ending the cycle of addiction to tobacco, it is imperative that this proposal include all products and all flavors—including menthol cigarettes.

Tobacco manufacturers have aggressively targeted communities of color and LGBTQ+ communities with menthol products, leading to an unequal burden of death and disease. Almost half of youth who smoked cigarettes used menthol cigarettes (46.7 percent).

Internal tobacco industry documents show that the tobacco companies were intentionally targeting African Americans and other minorities through advertising in magazines with high readership by these populations, including youth, and by targeting specific neighborhoods with higher Hispanic and African American populations with free product giveaways, more advertising and promotions to make products cheaper in those neighborhoods.

While New York State moved quickly in 2020 to address the explosive growth in flavored electronic cigarettes by passing legislation to end the sale of most flavored electronic cigarettes, legislation to end the sale of menthol cigarettes and all other flavored tobacco products has long stalled. The result has been Big Tobacco continuing to hook kids with their

deadly products and profit off the lives of people of color, the LGBTQ+ community and communities with limited incomes.

In the absence of a comprehensive proposal that includes all flavors, all products, and all retailers, youth will gravitate towards and continue to initiate tobacco use with menthol cigarettes or any other flavored product that is not included in the proposal.

Tobacco Tax Increases

According to the U.S. Surgeon General and World Health Organization, increasing the price of cigarettes is one of the most effective ways to prevent and reduce smoking, especially among youth. Increasing the cigarette tax by \$1 per pack to \$5.35 per pack, as proposed is projected to generate significant public health benefits for New Yorkers including:

- Decrease youth (under age 18) smoking by 8.2%
- Prevent 14,400 youth under age 18 from becoming adults who smoke
- Reduce the number of young adults (18-24 years old) who smoke by 3,000
- Result in 44,800 adults who currently smoke quitting
- Save over 15,300 lives

Cigarette taxes have not been increased in New York State in over ten years. Our state spends a whopping \$9.7 billion every year in healthcare costs associated with treating tobacco-related illnesses and an estimated 28,200 deaths are attributed to smoking every year. Raising the tax on tobacco encourages cessation and reduces youth initiation, which will translate to significant reductions in tobacco-related death and disease and associated health care costs.

Closing Loopholes and Addressing Enforcement Issues with Flavored E-cigarettes

When New York State passed legislation within the 2020 budget to address the epidemic of e-cigarette use among youth, it created enforcement loopholes in the law that have caused challenges to effective enforcement of the law. The exemption for products that have received a pre-market tobacco product authorization (PMTA) by the US Food and Drug Administration (FDA) has created ambiguity around which flavored products remain legal under the law for retailers and health inspectors. Out of the six states that have comprehensive e-cigarette flavor policies, only New York has this exemption, and it has the highest continued retail availability of prohibited products of any of those states. In addition, loopholes that allow distributors to continue to carry and sell prohibited products to merchants as well as vagueness that allows retailers to claim they are selling products remotely undercut the effectiveness of the law. These loopholes need to be eliminated, as proposed in the Executive Budget.

To conclude, on behalf of our organizations, we are writing to offer our strong support for ending the sale of menthol cigarettes and all other flavored tobacco, increasing the cigarette tax by at least \$1 per pack and closing the loopholes in New York's current law prohibiting the sale of flavored e-cigarettes to make sure that kids are not continuing to become addicted to any flavored tobacco product.

Over twenty years ago New York State became a national leader in the fight against tobacco by passing one of the first comprehensive smoke-free air laws and by adopting the highest cigarette tax rate in the nation at that time. However, in recent years, states and municipalities across the nation have surpassed New York as a national leader.

We believe these proposals are a huge step toward decreasing tobacco initiation and use rates and with it, saving lives across New York for generations to come. We are asking you to stand with us, on the side of public health and social justice by supporting the aggressive action we need to tell Big Tobacco that New York will no longer allow it to prey on and addict our children to its deadly products.

Respectfully,

Action on Smoking and Health
African American Tobacco Control Leadership Council (AATCLC)
Albany College of Pharmacy & Health Sciences
American Cancer Society Cancer Action Network
American Heart Association
American Lung Association
American Nurses Association - New York (ANA-NY)
Brooklyn College Cancer Center
Callen-Lorde Community Health Center
Campaign for Tobacco-Free Kids
Center for Black Health & Equity
Columbia University Herbert Irving Comprehensive Cancer Center
Community Health Care Association of New York State
Community Healthcare Network
CVS Health
Greater New York Hospital Association
Healthcare Association of New York State (HANYS)
Healthy Alliance
Hispanic Federation
Interfaith Public Health Network
March of Dimes
Medical Society of the State of New York
Memorial Sloan Kettering Cancer Center
Mental Health Association in New York State
Montefiore Health System
Mount Sinai Tisch Cancer Center
NAACP New York State Conference
New York Chapter American College of Physicians Services, Inc.
New York Chapter of the American College of Surgeons
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, Chapters 1, 2 & 3
New York State Association of County Health Officials
New York State Association for Rural Health
New York State Conference of Blue Cross and Blue Shield Plans (NYSCOP)
New York State Council of Health-system Pharmacists
New York State Council of School Superintendents
New York State PTA
New York State Public Health Association
New York State School Boards Association
New York State Society of Anesthesiologists
New York State Society of Orthopaedic Surgeons, Inc.
New York State United Teachers
NYU Langone
Parents Against Vaping E-Cigarettes
Pharmacists Society of the State of New York
Public Health Solutions
Roswell Park Comprehensive Cancer Center
School Administrators Association of New York State
St. Peter's Health Partners
The Boys & Girls Clubs of the Capital Area
The New York State Neurological Society
The New York State Society of Plastic Surgeons
Vocational Instruction Project Community Services, Inc.
WNY United Against Drug & Alcohol Abuse, Inc