



## MEMORANDUM OF SUPPORT

January 21, 2020

### **S6809, Hoylman/A8808, Bichotte S428-B, Hoylman/A47-A, Rosenthal**

The New York Public Health Association (NYSPHA) strongly supports legislation that would comprehensively prohibit the sale of all flavored tobacco products including e-cigarettes, menthol cigarettes, flavored cigars, pipe tobacco, hookah, and smokeless tobacco. We strongly support a package of bills designed to do just this: S428-B, 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, these bills comprehensively address the use and marketing of flavorings by the tobacco/vaping industries and prevent the addiction of another generation of users.

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, how many kids would have avoided picking up these products in the first place?

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. This percentage is much higher for African-American youth - 70% report smoking menthol cigarettes.

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

Every year in New York State, health care costs associated with tobacco use 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 tobacco related healthcare expenses. New York must act now. Our neighbor, Massachusetts recently enacted a bill that ended the sale of all flavored tobacco products,

including menthol cigarettes and similar legislation is pending in other states like New Jersey, Vermont and California. It is time that New York State extended this same protection to our youth.

For these reasons, NYSPHA strongly supports both S428-B, Hoylman/A47-A, Rosenthal and S6809, Hoylman/A8808, Bichotte and urges the Legislature to make passing this two-bill package a top priority for the 2020 session.

NYSPHA is the New York State affiliate of the American Public Health Association and serves as a statewide organization representing members from all disciplines of public health.

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