



A.8808/S.6809 (Bichotte/Hoylman)

AN ACT to amend the public health law, in relation to prohibiting the sale and distribution of flavored tobacco products and accessories

The New York State Association of County Health Officials (NYSACHO) supports the above-referenced legislation prohibiting the sale and distribution of *all* flavored tobacco products, including mint and menthol flavors.

A U.S Department of Health and Human Service's 2014 report regarding tobacco use estimates that over 480,000 Americans die annually from tobacco-caused disease, making it *the* leading cause of preventable death. Tobacco products exact a high financial toll on New York taxpayers. Each year, New York spends an estimated \$10.4 billion on tobacco-related health care needs, of which Medicaid covers \$3.3 billion. An additional \$6 billion annually can be attributed to lost productivity from smoking.

While conventional cigarette use had declined, electronic cigarette use continues to climb, and use of other tobacco products, such as smokeless tobacco, or hookah use, while not increasing, still appeals to adolescents and young adults. 81% of youth who ever tried tobacco chose flavored tobacco as their first tobacco product and this population is more likely to use flavored products compared to older adults. An October 2019 MMWR report noted that while use of flavored tobacco products other than e-cigarettes has declined in middle and high school populations, of those who use at least one tobacco product, 64.1% reported using at least one flavored tobacco product in the past 30 days. Of that number, 65.2% used flavored e-cigarettes, 45.7% used menthol cigarettes, and 43.6%, 38.9 and 37.5% respectively used flavored cigars, bidis or smokeless tobacco.

Flavor bans work. In 2013 New York City prohibited the sale of flavored tobacco products and sales decreased by 87%. This bill would eliminate tobacco companies' ability to use flavors to entice young people into becoming regular users of tobacco products. Federal law ban flavors in cigarettes, but other flavored tobacco products can still be sold. Flavors such as mango, cotton candy, cinnamon roll and other fruit and dessert-like products are sold in bright packaging and are more often sold individually and cheaply, all characteristics specifically designed to appeal to adolescents and young adults. The continued sale of these products puts the public health gains related to strong tobacco control policies and education at risk.

For the reasons stated above, NYSACHO strongly supports the adoption of legislation to restrict the sale of all flavored tobacco products, including electronic cigarettes, and including mint and menthol. NYSACHO further recommends that this legislation be part of a comprehensive tobacco control approach that helps reduce access to tobacco products, protects everyone's right to breathe clean smoke-free air, increases tobacco taxes and fully funds the state's tobacco control program, funding of which is allocated to local health departments.

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