



MEMORANDUM IN SUPPORT
SFY 2024 Health Mental Hygiene Executive Budget Bill, S4007/A3007
Part O
SFY 2024 Revenue Executive Budget Bill, S4009/A3009
Parts S & T

We collectively strongly support the SFY 2024 Executive Budget proposals (S4007/A3007 Part O; S4009/A3009 Parts S & T) to create a Tobacco-Free Generation in New York State.

The proposed package includes **Restricting Flavored Tobacco (S4007/A3007 Part O), Tobacco Tax Increases (S4009/A3009 Part S), Closing Loopholes, and Addressing Enforcement Issues with Flavored E-cigarettes (S4009/A3009 Part T).** Together these bold

yet essential steps make tobacco products both less appealing and more expensive for youth to prevent another generation falling victim to 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 on flavored e-cigarettes will ensure the health of New York's children now and for generations to come.

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. 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.

Federal law prohibits the sale of flavored cigarettes, there is currently an exemption for menthol cigarettes, and it does not restrict flavored tobacco products other than cigarettes. New York City has taken steps to end the sale of all other flavored tobacco products, with the exception of menthol cigarettes. Such exemptions have led to continued appeal and initiation by young people, despite their devastating health impacts. According to the 2022 National Youth Tobacco Survey, more than 2.5 million kids across the country are using tobacco products. 85% of high school and 81% of middle school students use flavored products with fruit, candy/desserts/other sweets, mint, and menthol reported as the most popular flavors. Flavors are a marketing weapon used by tobacco manufacturers to target youth and young people to a lifetime of addiction. 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.

We specifically support the Tobacco Tax Increases proposed in the Executive Budget. 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. 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.

We strongly support Closing the current Loopholes in the public health law regarding the use of Flavored E-cigarettes. The exemption for products contained in the Public Health Law Article 13-E that were granted exemption as 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 policies have already been delayed far too long, costing the health and lives of thousands of New Yorkers, and resulting in continued youth initiation of highly addictive tobacco products.

To ensure that our children and the next generation of children regardless of race, economic status, or gender are not addicted to deadly tobacco products. We strongly support 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.