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My name is Julie Hart and I am the New York State Senior Director of Government Relations for the American Cancer Society Cancer Action Network (ACS CAN). ACS CAN, the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society, supports evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. Thank you for the opportunity to testify today regarding the impact of e-cigarettes on New York State residents.

**Youth use of Electronic Cigarettes**

Electronic smoking devices, or e-cigarettes, commonly refer to the category of battery-operated products that are designed to deliver a heated aerosol often containing nicotine and other chemicals to the user. With the proliferation in usage of electronic cigarettes, it has become clear that these devices must be subject to the same restrictions as other tobacco products, including taxation and registration. New York has made tremendous progress in lowering youth smoking rates (4.8% of high school students report smoking cigarettes), however this progress is undercut by the proliferation of other tobacco products including electronic cigarettes.<sup>1</sup>

**A December 2016 Report of the US Surgeon General found:**

- E-cigarette use among youth and young adults has become a public health concern.
- E-cigarettes are now the most commonly used tobacco product among youth.
- E-cigarette use is strongly associated with the use of other tobacco products among youth and young adults, including combustible tobacco products.
- The use of products containing nicotine poses dangers to youth, pregnant women, and fetuses.

**After years of progress, the tobacco use rate among New York high school students is now increasing.**

- 30.5 % of high school students use tobacco products.
- 27.4% of high school students report using electronic cigarettes.
- 37% of high school seniors use e-cigarettes\*

Source: NYSDOH Bureau of Tobacco Control Statshot No. 1/Jan 2019  
\*<https://www.governor.ny.gov/news/governor-cuomo-accepts-recommendation-state-health-commissioner-ban-sale-menthol->

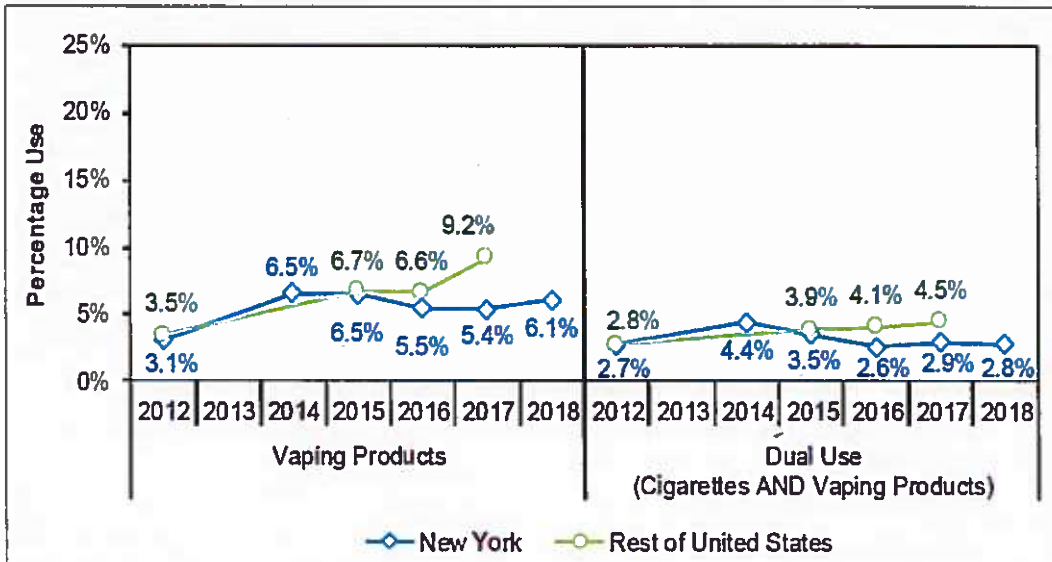
<sup>1</sup> New York State Youth Tobacco Survey 2000-2016.

## Who Pays the Price?

Survey data shows the impact of e-cigarettes on New York residents has primarily been felt by our youth with over 27% of high school students using e-cigarettes compared to just 6% of adults in the state.

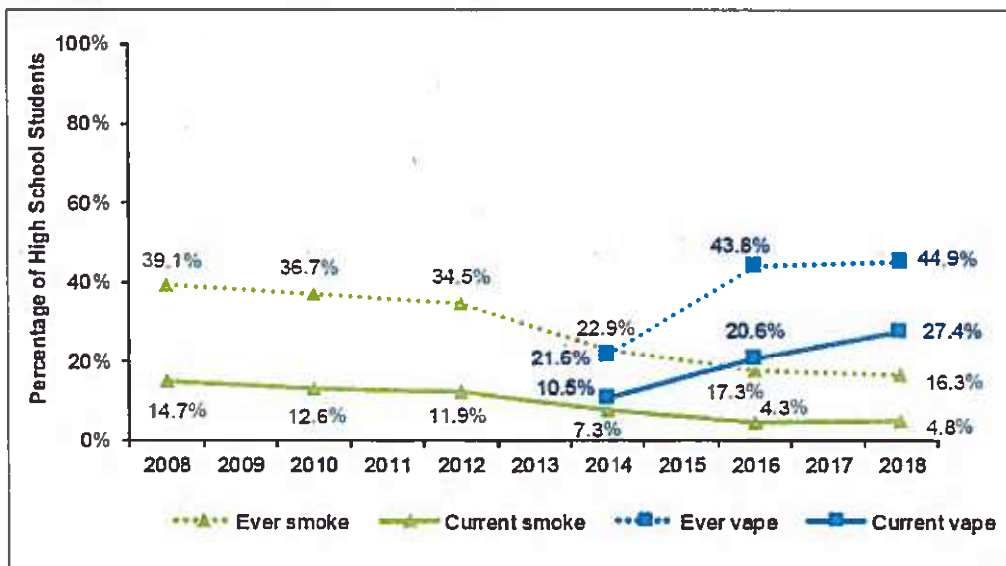
## NYS Adult E-cigarette Use

Percentage of Adults Who Currently Use Vaping Products and Percentage of Adults Who Report Both Cigarette and Vaping Product Use, New York Adult Tobacco Survey 2012–2018 and National Adult Tobacco Survey 2012–2017



## NYS Youth E-cigarette Use

Prevalence of Cigarette and Vaping Product Ever Use and Current Use Among High School Students, New York Youth Tobacco Survey, 2008–2018



## Tobacco Flavors

Flavors are a marketing weapon used by Big Tobacco to target youth and young people, saddling them with a lifetime of addiction. Altering tobacco product ingredients and design can improve the ease of use of a product by masking harsh effects, facilitating nicotine uptake, and increasing a product's overall appeal. Youth report flavors as a leading reason they use tobacco products and perceive them as less harmful. Overall use of tobacco products by youth increased by 36 percent from 2017 to 2018, driven by a substantial increase in e-cigarette use, and nationally, 72.3% of current youth tobacco users have used a flavored tobacco product in the past month.

*More than 80 percent of teens who have ever used a tobacco product started with a flavored product. Flavors are frequently listed as one of the top three reasons why children start using e-cigarettes.*

*Kids whose first tobacco product was flavored are more likely to become regular addicted tobacco users than those whose first product was tobacco flavored.*

*Kids report flavors are a leading reason they use tobacco products and perceive flavored products as less harmful.*

Flavored e-cigarettes have proliferated, with one study identifying more than 15,500 distinct flavors available to consumers, up from 7,700 unique e-cigarette flavors in 2014. Flavors offered including fruit, candy, and menthol flavors, and were often paired with flashy marketing campaigns to appeal to youth.

## Menthol as the Ultimate Flavor in Big Tobacco's Playbook

Long before cigarette companies started adding fruit, candy, and alcohol flavorings to cigarettes, they were manipulating levels of menthol to addict new, young smokers. Menthol acts to mask the harsh taste of tobacco with a minty flavor and by reducing irritation at the back of the throat with a cooling sensation. Additionally, menthol may enhance the delivery of nicotine. Knowing that youth who experience less negative physiological effects of smoking are more likely to continue smoking regularly, the tobacco industry has spent decades manipulating its menthol brand-specific product line to appeal to youth and, in particular, African Americans. Adding insult to injury, tobacco manufacturers have aggressively targeted certain communities with their menthol products, leading to an unequal burden of death and disease. Nearly 9 out of 10 African-American smokers report smoking menthol cigarettes.

## Action is Needed

The American Cancer Society Cancer Action Network is working to protect kids from tobacco by restricting the sale of all flavors, including menthol, mint and wintergreen, in all tobacco products including electronic cigarettes. The aggressive use of flavors and marketing tactics by the tobacco industry, rapid increased use of flavored products by youth and young adults, and under regulation of these products requires the public health community to take action to protect youth and young adults, and the public health at-large. New York should swiftly pass legislation to restrict the sale of all flavored tobacco products, including menthol cigarettes.

Thank you for the opportunity to testify today. I would be happy to answer any questions.