



## **Written Testimony Joint Legislative Budget Hearing – Health Tuesday, February 28, 2023**

Senate Finance Chair Krueger, Assembly Ways and Means Chair Weinstein, and distinguished members of the New York State Senate Finance and Assembly Ways and Means Committees:

The American Lung Association is the oldest voluntary health organization in the United States. For more than 115 years, the Lung Association has been working to save lives by improving lung health and preventing lung disease through education, advocacy, and research. The Lung Association works on behalf of the 37 million Americans living with lung diseases, including over 2.3 million patients with lung disease in New York.

The prioritization of lung health is more critical than ever, and we appreciate the opportunity to submit written testimony today on programs and policies that can improve the lung health of all New Yorkers and save lives.

### **END THE SALE OF ALL FLAVORED TOBACCO AND 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 and other 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 a leading reason they use tobacco products and perceive flavored products as less harmful.

Tobacco manufacturers have aggressively targeted communities of color and LGBTQ+ communities with menthol products, leading to an unequal burden of death and disease. The overwhelming majority of all African Americans who smoke (85.5 percent) report smoking menthol cigarettes compared to less than a third of whites who smoke (28.7 percent). 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 more advertising and promotions.

While New York State moved quickly in 2019 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 all other flavored tobacco products has long stalled. The result has been the tobacco industry 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, we run the risk of youth and adults substituting with menthol cigarettes or any other flavored product that is not included in the proposal.

***If New York is to ever succeed in ending the cycle of addiction to tobacco and give its citizens the clean air and healthy lungs afforded to them in the State Constitution, it is imperative that the Legislature support the Governor's SFY 2024 budget proposal to ban the sale of all flavored tobacco products and all other flavored tobacco products—including menthol cigarettes.***

### **TOBACCO TAX**

Despite the well-documented benefits of tobacco tax increases, New York has not increased tobacco taxes in over a decade. Tobacco tax increases are a win-win-win; they improve public health, reduce healthcare costs, and generate revenue.

Increasing the cigarette tax by \$1 per pack, moving it from \$4.35 to \$5.35 per pack is projected to generate significant public health benefits for New Yorkers.

Among other health benefits, the new tax proposal would also have significant public health benefits 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

In addition to the public health benefits, a tobacco tax is essential to help make a dent in the \$12.07 billion New York spends annually on tobacco-related healthcare costs. The projected health care savings of increasing the cigarette tax by \$1.00 per pack in New York include:

- 5-Year health care cost savings from fewer smoking-caused lung cancer cases: \$7.61 million.
- 5-Year Medicaid program savings for the state: \$35.37 million.

The Governor's proposal also includes an increase in the tax on all other tobacco products (OTPs) that parallels the new cigarette tax rate. Raising state tax rates on OTPs including e-cigarettes, smokeless tobacco, and little cigars to name a few to create equity with the increased cigarette tax rate will bring the state additional revenue, public health benefits and cost savings, and will ensure that the state does not inadvertently promote one tobacco product over another to kids, who are more price-sensitive than adults. It is also important that tobacco taxes are levied on all tobacco products at an equivalent rate to encourage people to quit rather than switch to a cheaper product when the tax is increased.

***The Lung Association urges the Legislature to include an increase on the state cigarette tax and all OTPs that parallels the new cigarette tax rate in its final SFY 2024 budget.***

### **TOBACCO CONTROL PROGRAM**

Smoking takes an enormous toll on New Yorkers. According to the [Lung Association's 2023 State of Tobacco Control](#):

- An estimated 28,170 deaths every year are attributed to smoking in New York.
- Nearly 750,000 New Yorkers are living with a serious smoking-related illness.
- Approximately 12% of New York adults are still smoking.
- Lung cancer is the leading cause of cancer death in both men and women in New York.
- While the smoking rate among high school students is down to 2.4%, more than one in four high school students (25.6%) use some form of tobacco product.
- Disparities in smoking rates persist, especially among more vulnerable populations and communities of color, thanks in part to tobacco industry targeted marketing and advertising in these communities.

The Tobacco Control Program (TCP), administered by the New York State Department of Health Bureau of Tobacco Control (BTC) uses an evidence based, policy-driven, and population-level approach to decrease tobacco initiation by youth, increase quitting among adult smokers, and eliminate exposure to secondhand smoke in New York. Their work takes a multi-pronged approach to address tobacco use in New York by promoting policy change through evidence-based strategies that alter social norms and make tobacco less desirable, less acceptable, and less accessible; promoting the delivery of evidence-based tobacco dependence treatment via broad health systems interventions focusing on the existing health care infrastructure, and; implementing

hard-hitting, emotionally evocative media campaigns that support policy change and promote increased quit attempts via evidence-based methods.

Last year the program received a little more than \$39,000,000, far short of the Centers for Disease Control (CDC) recommended level of \$203,000,000.

***The Lung Association respectfully requests funding for the program be increased to \$52,000,000 to ensure that our children don't pick up smoking of tobacco and other tobacco products, resources are provided for those that want to quit, we lower healthcare costs of smoking-related illness, and save lives.***

### **ASTHMA PROGRAMS AND COALITION GRANTS**

An estimated 1.5 million adults and over 400,000 children in New York live with Asthma; a chronic disease of the lungs that causes wheezing, breathlessness, chest tightness, and coughing. If not well-controlled, even under normal circumstances, asthma can greatly limit a person's quality of life. In addition, the people of New York continue to face threats from air pollution, tobacco use and barriers to quality, affordable health insurance. Since nearly 1 in 10 New Yorkers have asthma, and according to the CDC, our rates remain higher than the national average; it is critical to continue the work of the NYS funded projects.

To date, funding for the state's Asthma Program has provided the asthma coalitions across New York State with vital resources needed to educate and train thousands of healthcare professionals, patients, community stakeholders and students. These educational initiatives have helped countless patients and their families manage this chronic disease. Additionally, support for home-based asthma services has been provided to patients across the state by nurses and community health workers.

In three years from 2018-2022, funding for the childhood asthma coalitions has been level funded at a shoestring budget of \$930,000 annually. Yet, coalitions in Long Island, New York City, Western New York, and the Hudson Valley have:

- Educated 3,900+ healthcare professionals.
- Provided needed resources to more than 1,600 community stakeholders including educational resources in multiple languages.
- Enrolled more than 7,800 patients in Project BREATH (Bringing Resources for Effective Asthma Treatment through Health Education).
- Conducted nearly 1,000 asthma home visits with professionals trained in implementing home-based asthma services.
- Enrolled more than 1,700 students in Asthma Self-Management Education (ASME) programs.

***The Lung Association appreciates the continued support for New York State Asthma Programs and supports the Governor's proposed level-funding for SFY 2024. We looked forward to working with the Legislature to communicate what***

***additional resources are necessary to ensure every family in New York has access to these important programs.***

Thank you again for the opportunity to provide written testimony on the Lung Association's budget priorities for Fiscal Year 2024. Through smart investments we can improve the lung health of all New Yorkers especially those living in disadvantaged communities that for decades have carried a disproportionate burden of negative health outcomes.

If you would like more information or have any questions, please don't hesitate to contact Trevor Summerfield, the Lung Association's Director of Advocacy in New York, at [trevor.summerfield@lung.org](mailto:trevor.summerfield@lung.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Trevor Summerfield". The signature is fluid and cursive, with the first name "Trevor" being the most prominent part.

Trevor Summerfield  
Director, Advocacy (NY, VT)  
American Lung Association