



Advancing tobacco policy in NY

E2GI Lab

PRESENTED BY HYACINTH BURROWES AND ABBY BRIGGS

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28,000

New Yorkers are killed every year by cigarette smoking¹

“Tobacco is the leading cause of preventable disease, disability, and death in both the United States and in New York State (NYS).”¹

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Are menthol cigarettes more addictive?

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Why restrict the sale and marketing of flavored tobacco products?



Addictiveness

It's easier to start smoking menthol, and harder to quit.²



Youth

Flavored tobacco products appeal to kids



Disparity

Users are predominantly Black Americans and members of LGBTQ community

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**What do you know about
current tobacco policy?**

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Current tobacco legislation in the USA and New York

1999: DOJ sued Big Tobacco claiming civil fraud and racketeering violations under the RICO Act

2009: Tobacco Control Act gave FDA regulation power

New tobacco products (including e-cigarettes) are subject to a **Pre Market Tobacco Product Application** reviewed by the FDA.

April 2022: FDA proposed menthol and flavor bans

2013- New York City banned the sale of flavored tobacco products and raised the purchasing age to 21 leading to an 87% decrease in retail tobacco sales.⁴

2020 ATUPA amendments:⁵

- Sale of flavored vapor products banned
- End price discounts on tobacco and vapor products
- End sales of tobacco and vapor products in pharmacies
- Banned the exterior display of tobacco and vapor product ads near schools
- Increased retailer penalties for tobacco sale violations

The Department of Justice RICO Lawsuit

1999: DOJ sued Big Tobacco claiming civil fraud and racketeering violations under the RICO Act

2006: tobacco industry found guilty

June 2017: corrective statements finalized- run on TV and newspaper ads

2018: corrective statements posted on websites and attached to cigarette packages

2023: corrective statements to be posted at the “point-of-sale” (POS)

The Court-Ordered Corrective Statements

A Federal Court ruled that Philip Morris USA, R.J. Reynolds Tobacco, Lorillard, and Altria deliberately deceived the American public about the health effects of smoking, and has ordered those companies to make the following statements:

Adverse Health Effects of Smoking

- Smoking kills, on average, 1200 Americans. Every day.
- More people die every year from smoking than from murder, AIDS, suicide, drugs, car crashes, and alcohol, combined.
- Smoking causes heart disease, emphysema, acute myeloid leukemia, and cancer of the mouth, esophagus, larynx, lung, stomach, kidney, bladder, and pancreas.
- Smoking also causes reduced fertility, low birth weight in newborns, and cancer of the cervix.

Addictiveness of Smoking and Nicotine

- Smoking is highly addictive. Nicotine is the addictive drug in tobacco.
- Cigarette companies intentionally designed cigarettes with enough nicotine to create and sustain addiction.
- It's not easy to quit.
- When you smoke, the nicotine actually changes the brain - that's why quitting is so hard.

Lack of Significant Health Benefit from Smoking "Low Tar," "Light," "Ultra Light," "Mild," and "Natural" Cigarettes

- Many smokers switch to low tar and light cigarettes rather than quitting because they think low tar and light cigarettes are less harmful. They are not.
- "Low tar" and filtered cigarette smokers inhale essentially the same amount of tar and nicotine as they would from regular cigarettes.
- All cigarettes cause cancer, lung disease, heart attacks, and premature death - lights, low tar, ultra lights, and naturals. There is no safe cigarette.

Manipulation of Cigarette Design and Composition to Ensure Optimum Nicotine Delivery

- Philip Morris USA, R.J. Reynolds Tobacco, Lorillard, and Altria intentionally designed cigarettes to make them more addictive.
- Cigarette companies control the impact and delivery of nicotine in many ways, including designing filters and selecting cigarette paper to maximize the ingestion of nicotine, adding ammonia to make the cigarette taste less harsh, and controlling the physical and chemical makeup of the tobacco blend.
- When you smoke, the nicotine actually changes the brain - that's why quitting is so hard.

Adverse Health Effects of Exposure to Secondhand Smoke

- Secondhand smoke kills over 38,000 Americans each year.
- Secondhand smoke causes lung cancer and coronary heart disease in adults who do not smoke.
- Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, severe asthma, and reduced lung function.
- There is no safe level of exposure to secondhand smoke.

Chicago

In December 2013, Chicago became the first city in the U.S. to restrict the sale of all flavored commercial tobacco products, including menthol.⁶

- The ordinance restricted the sale of menthol flavored cigarettes and other flavored tobacco products within 500 feet of any school
- In 2016, the ordinance was relaxed to only include retailers within 500 feet of a public, private, or parochial secondary school, which allowed retailers near elementary and middle schools to offer menthol and other flavored products
- Despite setbacks and changes to the flavor ban, Chicago has seen youth cigarette use drop to historic lows
- In 2019, only 3.9 percent of Chicago high school students reported smoking cigarettes (vs. 10.7 percent in 2013)



Massachusetts

- December 11, 2019: tobacco control law approved
 - restricted to sale non-flavored nicotine products with a nicotine content of 35mg/ml or less
 - Non-flavored nicotine vaping products are restricted to licensed, adult-only retail tobacco stores and smoking bars
 - Sale and consumption of all flavored nicotine vaping products may only occur within licensed smoking bars
- June 1, 2020: sale of tobacco products restricted to licensed smoking bars. 75 percent excise tax
- Proposed amendment #771 to H. 5007

Current Advocacy

Westchester County, NY⁷

- Last month (November), Westchester County passed a law prohibiting all flavored tobacco products
- It has been hailed as one of the most comprehensive tobacco bans in New York –it bans flavored tobacco products, including menthol, mint and wintergreen

Lessons Learned

- Arguments about small businesses losing money were resolved by countering with healthcare costs and productivity lost
- Concerns about policing and enforcement of the bill must be addressed and can be addressed through specific language in the legislation
- Be prepared for arguments about personal choice and implementation of the ban as a “slippery slope”
- Educating legislators is incredibly valuable

Int.No.577

Current Introduction Number:

Int. No. 577

Prime Sponsors:

By Council Members Joseph, Brooks-Powers, Louis, Krishnan, Moya, Rivera, Ayala, Powers, Botcher, Restler, Brewer, Gennaro, Dinowitz and Salamanca (in conjunction with the Manhattan Borough President)

Bill Title:

A local law to amend the administrative code of the city of New York, in relation to prohibiting the sale of flavored cigarettes

Bill Summary:

This plain language summary is for informational purposes only and does not substitute for legal counsel. For more information, you should review the full text of the bill, which is available online at legistar.council.nyc.gov.

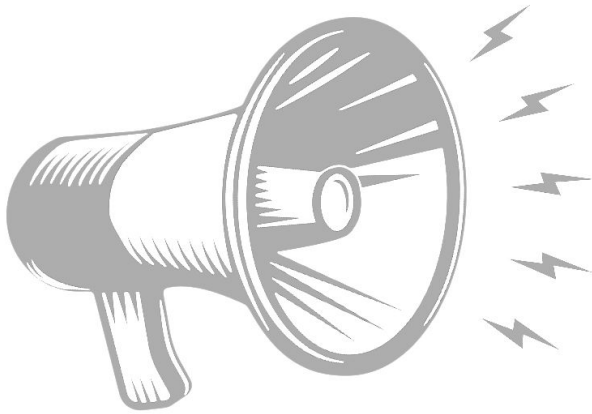
This bill would ban the sale of menthol, mint, and wintergreen flavored cigarettes.

Effective Date:

90 days after it becomes law.



Next Steps & Advocacy Actions



- Rally on city halls steps in about 3 weeks via the American Lung Association
- Advocates are pushing for the NYC City Council Health Committee hearing to happen in early January, maybe February before officials' attentions shifts to re-election
- Tabling at key locations to provide education to the public could increase public pressure on city officials to pass the bill

References

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