**All Flavors/All Products**  
**Key Messages and Supporting Stats/Facts**  
**ATFC**

**Gov. Hochul proposes Tobacco Control Measures**

Governor Hochul proposed two new tobacco control measures in her State of the State Address this year and included them in the budget bill released on 2/1/23. An excerpt from her **Lead the Way for a Tobacco-Free Generation** section of the[State of the State Book](https://www.governor.ny.gov/sites/default/files/2023-01/2023SOTSBook.pdf) reads:

***Lead the Way for a Tobacco-Free Generation***

*Solidifying New York’s leadership in ensuring a tobacco-free generation, Governor Hochul will introduce legislation to expand upon the State's ban on the sale of flavored vaping products by prohibiting the sale of all flavored tobacco products. In addition, Governor Hochul will propose to increase the cigarette tax from $4.35 to $5.35 per pack.*

Highlights from the *proposed* executive budget (specifically Part O): [Health and Mental Hygiene Article VII Bill | NYS FY 2024 Executive Budget](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.budget.ny.gov%2Fpubs%2Farchive%2Ffy24%2Fex%2Fartvii%2Fhmh-bill.pdf&data=05%7C01%7Clisa.kelly%40health.ny.gov%7C6ba8154615fc4a5a8cc708db05268038%7Cf46cb8ea79004d108ceb80e8c1c81ee7%7C0%7C0%7C638109435134344877%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=UF8W2ev0thceCoEj5VIsx1OjxV4F%2F7GG1PbMFSe31e0%3D&reserved=0) are listed below:

1. **Funding:** As you may know, the proposed Executive Budget for FY 23-24 was released yesterday, and the recommendation is for flat funding, with a slight increase to the state operations line (which covers State staff and administrative costs).
2. **Policy Proposals:** In addition to the funding recommendations, this year’s budget includes the following policy proposals–
   1. ***Increasing the state cigarette tax by $1.00 per pack*** (bringing the tax to $5.35), meaning that NYS would have the strongest state cigarette tax in the nation!
   2. ***Banning the sale of ALL flavored tobacco products including menthol cigarettes, flavored cigars and cigarillos, and flavored smokeless tobacco products*.** This proposal is an extension of the 2020 ban on flavored vapor products. The flavors proposal is quite comprehensive and meaningfully addresses enforcement in an equitable manner putting the onus of compliance on manufacturers, distributors, and retailers – not individuals; and seeks to close some loopholes created by the 2020 flavored e-cigarette legislation.
   3. ***IMPACT*:** Both proposals will have an enormous impact getting us closer to creating a tobacco-free generation***.*** Banning the sale of all flavored tobacco products and increasing the cigarette tax will save countless lives and improve health for generations to come. These two policy proposals are not only necessary for the protection of public health, but also to ***advance health equity and racial justice*** in NYS.

It's imperative grantees further educate lawmakers and the public about the tobacco industry’s aggressive marketing of menthol and other flavored tobacco products that attracts and addicts youth, Black Americans and the LGBTQIA+ community. Incorporating this into sustainability messaging is the perfect opportunity. Sustainability messaging focuses on the successes of the New York State Tobacco Control Program and the continued/unmet need in tobacco control. It is the CONTINUED/UNMET NEED portion of the sustainability messaging that will now focus on All Flavors All Products (AFAP), including menthol, pivoting from the original unmet need of reducing nicotine addiction among communities in New York for which smoking rates remain high.

ATFC grantees are asked to:

* speak to the larger “all flavors, all products” issue, but also address menthol-specific questions.
* be prepared to respond to tobacco industry-driven concerns about racial justice/enforcement of flavor bans (as Westchester County experienced during efforts to pass a menthol ban).

Recommended approach:

* Update the sustainability message triangle by replacing the current unmet needs messaging (high rates of smoking remain among certain communities) with the All Flavors All Products messaging. Additional key messages and stats/facts are provided for your use. It is not necessary to include all messages, only those that you anticipate that will resonate with your community and lawmakers.

**All Flavors/All Products**  
**Key Messages and Supporting Stats/Facts**  
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**Key Message #1 (Racial Injustice from Menthol):**

The tobacco industry created a narrative that communities of color CHOOSE menthol tobacco products and that taking them off the market would be an injustice. WRONG! The reality is that Big Tobacco has TARGETED communities of color for decades. By PUSHING menthol products directly into these communities, the tobacco industry has created generations of long-term nicotine addiction and devastating health consequences for huge profits.

Supporting stats/facts:

* + The 2009 federal Tobacco Control Act that got rid of flavored cigarettes allowed menthol to continue to be marketed and sold, which was a fatal flaw felt by the African American/Black communities.   
    Source: Family Smoking Prevention and Tobacco Control Act, 21 USC section 301 (2009)
  + For decades, Big Tobacco worked to keep menthol cigarettes cheap and accessible to Black communities. Studies have found cigarettes are cheaper in Black neighborhoods, particularly menthol cigarettes.   
    Source: Resnick EA, Jackson KL, Barker DC, and Chaloupka FJ; Cigarette Pricing Differs by U.S. Neighborhoods – BTC Research Brief. Chicago, IL: Bridging the Gap Program, Health Policy Center, Institute for Health Research and Policy, University of Illinois at Chicago, 2012.
  + The tobacco industry designed menthol flavored cigarettes to be easy to smoke and harder to quit. Menthol masks the harshness of tobacco and reduces irritation from nicotine, which makes cigarettes easier to smoke and promotes initiation. The cool sensation of menthol causes smokers to hold their breath, enabling greater exposure to harmful substances in tobacco smoke resulting in increased addiction and tobacco-related diseases. Source: <https://tobaccotactics.org/wiki/addiction-manipulation/>
  + Smoking-related illnesses are the No. 1 cause of death in the African American community, surpassing all other causes of death, including AIDS, homicide, diabetes and accidents.   
    Source: <https://dev.tobaccofreekids.org/assets/factsheets/0006.pdf>
  + For more than 60 years, the aggressive advertising and marketing of menthol products to African American communities has directly led to more Black and African American people addicted to menthol cigarettes.   
    Source: <https://dev.tobaccofreekids.org/assets/factsheets/0208.pdf>
  + It’s not a coincidence that overall, 85% of African American smokers use menthol cigarettes, compared to only 29% of white smokers.  
    Source: <https://www.cdc.gov/tobacco/basic_information/menthol/related-health-disparities.html>

**Key Message #2 (The Problem of Flavors):**

Flavored tobacco products, including menthol, are a manipulative way for Big Tobacco to attract and addict youth.

Supporting stats/facts (also found in the LED local press release):

* Flavors mask the harshness of tobacco, and nicotine addicts.  
  Source: <https://www.fda.gov/tobacco-products/products-ingredients-components/menthol-and-other-flavors-tobacco-products>
* More than 80% of youth who have ever tried tobacco started with a flavored product.  
  Source: <https://www.tobaccofreekids.org/microsites/flavortrap/#findings>
* More than half (54%) of youth ages 12-17 years who smoke use menthol cigarettes.  
  Source: <https://www.cdc.gov/tobacco/basic_information/tobacco_industry/menthol-cigarettes/index.html>
* Menthol makes smoking easier to start and harder to quit.  
  Source: <https://truthinitiative.org/sites/default/files/media/files/2022/04/Truth_Menthol_FactSheet_v4.pdf>

Cigars

* To get around the 2009 federal ban on flavored cigarettes, the tobacco industry sells “little cigars”— similar to cigarettes in shape, size, filters and packaging—in a wide range of sweet and fruity flavors popular with youth.
* In the U.S, more than 1,400 kids under age 18 try cigar smoking for the first time every day. Research shows that flavored cigars are driving much of this usage.

Source: <https://dev.tobaccofreekids.org/assets/factsheets/0383.pdf>;

Source: <https://www.samhsa.gov/data/report/2019-nsduh-detailed-tables>)

**Key Message #3 (Flavors Hook Kids):**

Big Tobacco’s customers are dying, but instead of pulling their products off shelves, they’re recruiting a new generation of smokers with flavored tobacco products. We will no longer allow Big Tobacco to target young New Yorkers.

Supporting stats/facts (also found in the LED local press release):

* More than 80% of youth who have used tobacco report that they began with a flavored product.  
  Source: <https://www.trdrp.org/news/youth-and-flavors-10-22.html>
* Youth who initiate smoking using menthol-flavored cigarettes are more likely to become addicted and long-term daily smokers.  
  Source: <https://www.tobaccofreekids.org/assets/factsheets/0390.pdf>
* The average age of a new smoker in New York is just 13 years old.  
  Source: <https://health.data.ny.gov/Health/Youth-Tobacco-Survey-Beginning-2000/pbq7-ddg9>
* More than 28,000 New Yorkers still die every year from smoking.   
  Source: <https://www.tobaccofreekids.org/problem/toll-us/new_york>
* 280,000 of New York’s youth now under 18 are projected to die prematurely from smoking.  
  Source: <https://www.tobaccofreekids.org/problem/toll-us/new_york>

**Effects of Increased Pricing of Tobacco Products**

**Message #1** According to a new analysis, the proposed $1.00 per pack cigarette tax increase would save the New York State millions of dollars in health care costs, as well as:

* save over 15,300 lives,
* 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, and
* result in 44,800 adults who currently smoke quitting.

Source: <https://www.fightcancer.org/releases/15300-new-yorkers%E2%80%99-lives-be-saved-cigarette-tax-increase>

**Message #2** The U.S. Surgeon General’s 2020 Report on Smoking Cessation lists raising the price of cigarettes as one of the successful approaches to increasing smoking cessation.   
Source: <https://www.hhs.gov/surgeongeneral/reports-and-publications/tobacco/2020-cessation-sgr-factsheet-key-findings/index.html>

**Message #3** According to the CDC, increasing the price of tobacco products is the single most effective way to reduce tobacco use.

Source: <https://www.cdc.gov/tobacco/data_statistics/fact_sheets/cessation/smoking-cessation-fast-facts/index.html>

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