

# It's Time for Colorado to End the Sale of All Flavored Tobacco Products - No Exemptions

Vote YES on HB22-1064

Sponsored by Representatives Mullica and Bacon and Senators Priola and Fields

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## Prohibit Flavored Tobacco and Regulate Synthetic Nicotine

**The Problem:** The tobacco industry has a history of marketing their products to specific age, demographic and socio-economic groups in order to get people to use their products. Flavored tobacco and now synthetic nicotine products are a favorite industry strategy for targeting young people. Eight of ten youth who have ever tried tobacco started with a flavored product. **They are designed to hook our youth and set them on a path to lifelong addiction by masking the harsh taste of tobacco.** Increasing the population of lifelong users is the industry's number one priority, putting profits over lives.

FDA's February 2020 enforcement policy restricting some flavored e-cigarettes, but left huge loopholes. Kid-friendly flavored disposable e-cigarettes, flavored e-liquids and menthol-flavored pod products like Juul are still allowed and available in stores across Colorado.

### Consequences for Colorado Kids

- 25.9% of Colorado high school students use e-cigarettes, 5.7% smoke cigarettes
- 1,400 Colorado kids become new daily smokers each year - that's nearly 4 kids/day.
- About two-thirds (63.2%) of Colorado high school students report that it would be easy to get e-cigarettes if they wanted to and over half (52.3%) say it would be easy to get cigarettes
- 91,000 current youth under the age of 18 will die prematurely from smoking unless the state acts to reduce youth smoking.

### Flavors and E-Cigarettes

- Nearly 1.7 million youth use flavored e-cigarettes, including 470,000 who use menthol-flavored e-cigarettes.<sup>1</sup> (2021 NYTS)
- 85% of youth e-cigarette users use flavored products. Among high school students who currently used any type of flavored e-cigarette, the most commonly used flavor types were fruit (72.3%), candy/desserts/other sweets (33%), mint (30.5%) and menthol (29.8%).<sup>2</sup> (2021 NYTS)

### Menthol Cigarettes Increase Youth Initiation

- Menthol cools and numbs the throat, which helps mask the harshness of tobacco smoke and makes it easier for young people to start smoking.<sup>3</sup>
- About half (49.8%) of all high school smokers use menthol cigarettes. Over half a million (530,000) middle and high schoolers use menthol cigarettes.<sup>4</sup>
- Half (50.1%) of youth who have ever tried smoking initiated with menthol-flavored cigarettes.<sup>5</sup>

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<sup>1</sup> Park-Lee, E, et al., "E-Cigarette Use Among Middle and High School Students—National Youth Tobacco Survey, 2021," *MMWR*, 70(39): 1387-1389, October 1, 2021, <https://www.cdc.gov/mmwr/volumes/70/wr/pdfs/mm7039a4-H.pdf>.

<sup>2</sup> Park-Lee, E, et al., "E-Cigarette Use Among Middle and High School Students—National Youth Tobacco Survey, 2021," *MMWR*, 70(39): 1387-1389, October 1, 2021, <https://www.cdc.gov/mmwr/volumes/70/wr/pdfs/mm7039a4-H.pdf>.

<sup>3</sup> FDA. *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes* (2013).

<sup>4</sup> Wang, TW, et al., "Tobacco Product Use and Associated Factors Among Middle and High School Students—United States, 2019," *MMWR* 68(12), December 6, 2019, <https://www.cdc.gov/mmwr/volumes/68/ss/pdfs/ss6812a1-H.pdf>.

<sup>5</sup> Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.

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**Consequences for Coloradoans:**

Masking the taste of tobacco does not minimize its impact on the smokers or our state’s public health system.

- Annual healthcare costs in Colorado directly caused by smoking \$1.89 billion
- Medicaid costs caused by smoking in Colorado \$386.3 million
- Residents’ state and federal tax burden from smoking-caused government expenditures \$690/household
- Proportion of Colorado cancer deaths caused by smoking 25.7%
- Colorado adults who die from smoking each year 4,100

**The Solution:** End the sale of all flavored tobacco products in Colorado. This includes all products, all flavors, all locations - no exemptions. It also includes establishing a fund to help communities who have been disproportionately targeted and impacted by the tobacco industry to receive support to stop smoking as well as prevent future generations from using.

**Key Components of the Bill:**

- Prohibits the sale, display and marketing of all flavored tobacco products in Colorado, including menthol and mint.
- Puts the responsibility on retailers and does not penalize users for possession.
- Establishes a 10 million dollar grant fund to help users in targeted communities stop smoking when their preferred products are taken off the market and prevent future use.
- Creates a community-based working group to ensure that funds are distributed in alignment with the needs of the impacted communities.

**Supporters:**

Action on Smoking and Health	Honorable Albus Brooks
Adams 12 Five Star Schools	Honorable Barbara O’Brien
African American Tobacco Control Leadership Council	Honorable Elbra Wedgeworth
African Chamber of Commerce Colorado	Honorable Paul Lopez
African Leadership Group (ALG)	Honorable Ramona Martinez
American Academy of Pediatrics - CO State Chapter	Honorable Rosemary Rodriguez
American College of Chest Physicians (ACCP)	Attorney General Phil Weiser
American Heart Association	Alisha Brown
American Lung Association	Bill Burman, MD
Americans for Nonsmokers’ Rights	Boulder City Council Member Junie Joseph
Boulder County	Carolyn Dresler, MD, MPA
Boulder County Public Health	Celeste Archer
Boulder Valley School District	Chad Morris, PhD
Blue Rising Together	Cheryl Fleetwood
Brother Jeff’s Cultural Center	Donald E. Moore
Campaign for Tobacco-Free Kids	Dr. Alex Marrero
Charter School Institute	Dr. Anne Keke
Center for Black Health & Equity	Dr. Robert McCaffree
Children’s Hospital Colorado	Dylan Lindsey, Student
Cigna	Eagle County Commissioners Jeanne
City and County of Denver	McQueeney, Kathy Chandler-Henry and
City of Aspen	Matt Scherr

<p>           CLLARO            Colorado Academy of Family Physicians            Colorado Alliance of Boys and Girls Clubs            Colorado Association for School-Based Health Care            Colorado Association of Health Plans            Colorado Association of Local Public Health Officials            Colorado Association of School Nurses            Colorado Association of School Boards (CASB)            Colorado Association of School Executives (CASE)            Colorado Black Caucus of School Board Directors            Colorado Children’s Campaign            Colorado Consumer Health Initiative (CCHI)            Colorado Council of Black Nurses Inc.            Colorado Dental Association            Colorado Dental Hygienists’ Association            Colorado Education Association            Colorado Community Health Network            Colorado League of Charter Schools            Colorado Medical Society            Colorado Nurses Association            Colorado Organization for Latina Opportunity and Reproductive Rights (COLOR)            Colorado Parent Teacher Association            Colorado Public Health Association            Colorado Respiratory Care Society (CRCS)            Colorado Rural Health Centers            Colorado Rural Schools Alliance            Colorado Safety Net Collaborative            CoPIRG            Counties and Commissioners Acting Together (CCAT)            CVS Health            Delta Dental of Colorado            Delta Dental of Colorado Foundation            Delta Sigma Theta Alumnae Chapter            Denver Health and Hospital Authority            Denver NAACP            Denver Public Schools            DSST Public Schools            Eagle County            GLMA: Health Professionals Advancing LGBTQ Equality            Golden City Council            Group to Alleviate Smoking Pollution (GASP)            Healthier Colorado            Inner City Health            Jeffco Council PTA            Jeffco Public Schools            Kaiser Permanente            Larimer County Board of Commissioners            Mental Health Colorado            Mile High Health Alliance         </p>	<p>           Elizabeth Domangue            Golden Ward 4 Councilor Bill Fisher            Justice Onwordi            Kelli Fritts            Kevin Marchman            Kwame Spearman            Kwon Atlas            Larimer County Commissioners John Kefalas, Jody Shaddock-McNally and Kristin Stephens            Lorrie Odom, MD            Lucila Tvarunas            Maranda Miller            Marlon Barnes            Maya Wheeler            Mayor Aaron Brockett (Boulder)            Mayor Jacki Marsh (Loveland)            Mayor John I. Clark (Ridgway)            Mayor Pro Tem JJ Trout (City of Golden)            Michel Holien            Nichelle Ortiz            Nita Gonzales            Norman Harris            Papa Dia            Paul A. Bunn, MD            Phillip Gardiner, Dr. P.H.            Portia Prescott            Tamra Koch            Trinidad A. Rodriguez            Scott Prince, Avon Town Councilor            Stacey Adimou            Susan Todd            Verónica Figoli            Wil Alston         </p> <hr/>
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<p>Mile High Medical Society NAACP State Conference National Association of Hispanic Nurses - Denver Chapter National Organization of African Americans in Housing National Jewish Health National LGBT Cancer Network Oncology Nursing Society One Chance to Grow Up One Colorado Parents Against Vaping e-cigarettes Pitkin County Board of Commissioners Pitkin County Board of Health Poudre School District Pueblo Community Health Center Public Health Institute Salud Family Health SCL Health Servicios Sigue SHAPE Colorado Single Mothers of Color, Inc. Stand for Children Colorado STRIDE Community Health Center STRIVE Prep Support Jeffco Kids Tepeyac Community Health Center The Center on Colfax The Foundation for Sustainable Urban Communities The Latino Coalition of Weld County Transform Education Now (TEN) Tri-County Health Department University of Colorado Cancer Center YAASPA Aurora Youth Coalition YAASPA Denver Youth Coalition Young Invincibles</p>	
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