

S.288 FAQs

What does it do?

Ends the sale of all flavored tobacco by closing the federal loophole regarding menthol flavor and disposable e-cigarettes. It does not criminalize or penalize possession of flavored tobacco.

Why do this?

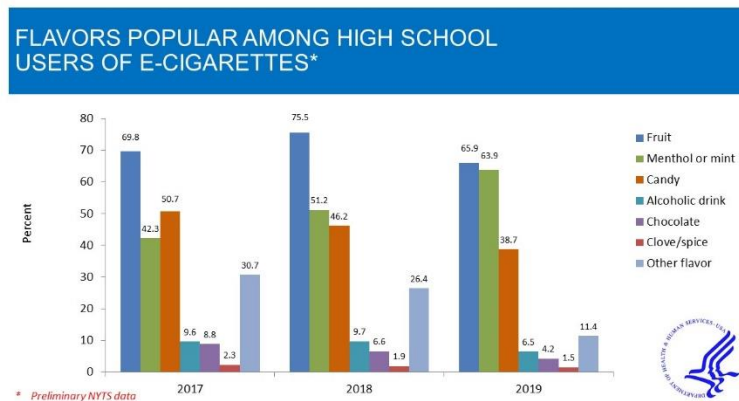
Flavored products are fueling the epidemic. In 2019, 97% of youth e-cigarette users nationally reported that they had used a flavored tobacco product in the last month, and 70% cited flavors as the reason for their use.

FAQ 1: Shouldn't we just wait to see if T21 works?

Waiting is a suggestion by the industry to ensure more kids are hooked. In the time the Vermont Legislature was considering Tobacco 21, youth e-cigarette use doubled. Tobacco 21 was a great a start, but it is just one part of a comprehensive strategy to help reduce youth access to tobacco products. To work most effectively, we must address the underlying reason why our children are drawn to these products. The industry is working hard to addict them. So we need to offer our kids the best chance at tobacco prevention. T21 and the elimination of flavored tobacco are evidence-based strategies to drive down youth demand for these addictive products.

FAQ 2: If we eliminate flavored tobacco, won't kids just switch to something like marijuana?

The tobacco industry would like you to believe that kids will switch to marijuana or hemp cigarettes. The reality is there is **no evidence to support these conclusions**. We do have data to conclude that youth move to WHICHEVER flavor is left on the market as evidenced in 2018 when Juul removed fruity flavors from stores, but left mint and menthol. **Mint and menthol sales skyrocketed from 51% in 2018 to 64% in 2019, while fruit and candy flavors fell.**



What the science does support is that flavors, including menthol, heavily influence kids to start smoking. We are lucky to have a nationally recognized tobacco expert from the University of Vermont who testified in SHW on menthol's ability to hook kids. Dr. Andrea Villanti's research shows:

Menthol cigarettes & flavored tobacco products: Initiation and progression

1. Youth and young adult smokers are **more likely to use menthol cigarettes** than older adult smokers.
2. Youth and young adult tobacco users are **more likely to use flavored products** than older adult users.
3. Youth and young adults who start with menthol cigarettes or flavored tobacco products are **more likely to escalate** their tobacco use behavior over time than those who start with unflavored products.

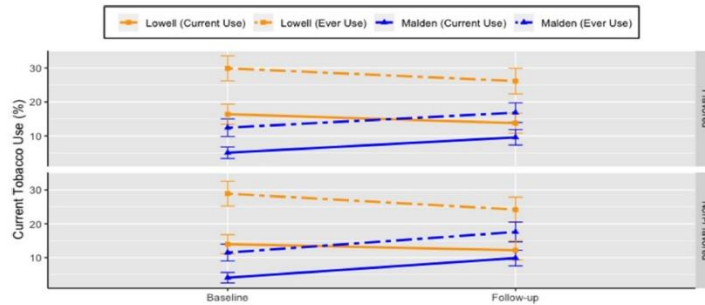


FAQ 3: Is there any evidence that bans will work?

Science shows that eliminating flavored tobacco *works* to curb consumption.

Look to the Massachusetts example. Youth use dropped in Lowell, MA when flavors were removed citywide from that marketplace compared to an increased use by youth in neighboring Malden, MA – a town that kept flavored tobacco on the market.

Lowell, MA: Effect of flavored tobacco ban on youth tobacco use (2016)



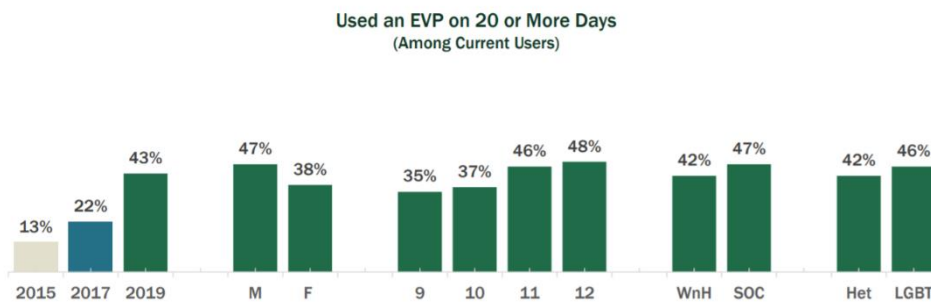
Kingsley M, et al. *Am J Prev Med.* 2019;57(6):741-748.



FAQ 4: Is there any evidence Vermont kids are actually addicted to these products?

Dr. Lauren E. Faricy, Pediatric Pulmonologist, University of Vermont Medical Center, testified in SHW: 2019 Vermont Youth Risk Behavior Survey data shows current use of e-cigarettes **more than doubled from 2017 to 2019, with 26% of students reporting use within the last 30 days (vs. 12% in 2017).**

Additionally, **more students report frequent use of e-cigarettes**, which indicates possible nicotine addiction. According to the 2019 Vermont Youth Risk Behavior Survey, **31% of Vermont high school e-cigarette users used e-cigarettes daily, up from 15% in 2017.**

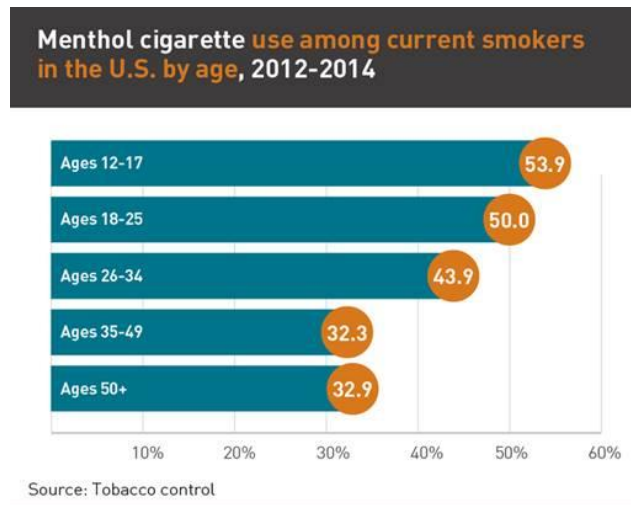


And results from a 2019 survey of 478 Vermont high school students highlighted the link between flavors and addiction:

- Of the students who have used e-cigarettes in the last month, **more than 1/3 report that they use e-cigarette within 15 minutes of waking up – a marker of dependency.**
- Those using flavored e-cigarettes were asked what they would do if they could not get flavored e-cigarettes anymore:
 - 43% would stop using e-cigarettes,
 - 34% would switch to cigarettes
 - 23% would switch to unflavored e-cigarettes

FAQ 5: If the goal is youth prevention, why are we talking about menthol?

The tobacco industry would like you to believe that eliminating menthol is an issue of taking away an adult product and adult choice. However, evidence shows kids are the highest consumers of menthol cigarettes – not adults. **More than half (54%) of youth ages 12-17 who smoke use menthol cigarettes. That's higher than any other age group.** A nationwide study showed that of young adults (over 18) who smoked, a majority started with menthol cigarettes. But nearly 65% of young, menthol smokers say they would quit smoking if menthol cigarettes were eliminated.



FAQ 6: Why is menthol an issue of health equity?

Big Tobacco has aggressively marketed to young people, particularly in low income communities and communities of color, as well as among LGBTQ communities. Consequently, more than 85% of African American adults who smoke and more than 70% of African American youth who smoke use menthol cigarettes. People with low levels of income or education, those who identify as LGBTQ, as well as those adults who smoke and have mental health conditions are more likely to use menthol cigarettes. These are populations who already suffer from the greatest health disparities.

“As youth under the age of 18, we shouldn't have to be here asking for help to protect our lives and the lives of the people we love. That is a basic privilege we deserve. We should have been protected before the epidemic began. But statistics show that it's very imperative that we are here today asking you to do all you can do.” - Shamura Awayle, 16, Burlington, VT

FAQ 7: Won't it be too costly to the state to end the sale of flavored tobacco?

The real cost to the state on this issue is doing nothing. **Vermont spends \$348 million annually to treat tobacco-caused illnesses, including \$87.2 million each year in Medicaid expenses. This translates into a tax burden each year of \$759 per Vermont household. Productivity losses add an additional \$232.8 million each year. This doesn't even include the future health costs of the e-cigarette epidemic.**

This bill is estimated to result in a revenue loss of \$5.45 million in Fiscal Year (FY) 2021. Our children's health is worth this investment.

FAQ 8: Would Vermont be going it alone?

Massachusetts put kids first and boldly said no to Big Tobacco in November, passing legislation that eliminates the sale of all flavored tobacco, including menthol cigarettes. Additionally, the Canadian government banned menthol cigarettes nationwide in 2017. Vermont can really shine as a leader in public health by passing S.288.