



Promoting and Improving Population Health in Kansas

February 13, 2020
Daniel Craig, President
Kansas Public Health Association
House Bill 2563
Committee on Federal and State Affairs

Chairman Barker and Members of the Committee:

Thank you for the opportunity to provide written testimony in support of HB 2563, which raises the purchase and possession age of tobacco products from 18 years of age to 21 years of age, prohibits cigarette vending machines, and prohibits most flavored vaping products. As public health professionals, we are deeply concerned about the harms from tobacco products. Tobacco use continues to be the leading cause of death in Kansas and the United States, and new research increasingly demonstrates that the use of e-cigarettes, or vaping, is unsafe for kids, teens and young adults. HB 2563 continues public health's long-standing efforts to decrease the use of tobacco and vaping products by increasing the legal age of purchase, which may prevent or delay use by adolescents and young adults. The bill also protects public health by banning vaping in indoor public places, controlling unsupervised access (as is the case with vending machines), and decreasing the attractiveness of vaping to youth by limiting the flavoring options associated with such products.

We support the flavor ban because it addresses current concerns related to the dramatic rises in youth use of e-cigarettes. Results from the 2019 National Youth Tobacco Survey reveal "that the prevalence of self-reported current e-cigarette use was 27.5% among high school students and 10.5% among middle school students."¹ Youth are especially drawn to the flavored e-cigarettes. According to the same survey, "Among current exclusive e-cigarette users, an estimated 72.2% of high school students and 59.2% of middle school students used flavored e-cigarettes, with fruit, menthol or mint, and candy, desserts, or other sweets being the most commonly reported flavors."¹ While we urge the Committee to amend the bill to include a ban on menthol, we support progress toward reducing access to this harmful product.

Kansas Public Health Association stands with our national affiliate, the American Public Health Association, in supporting a ban on flavored tobacco products, including menthol. Menthol flavorings, in particular, have a history of being disproportionately marketed toward vulnerable populations, including youth, LGBT communities, and communities of color. By excluding menthol flavorings in this flavor ban,

¹ Cullen KA, Gentzke AS, Sawdey MD, et al. e-Cigarette Use Among Youth in the United States, 2019. *JAMA*. 2019;322(21):2095–2103. doi:10.1001/jama.2019.18387



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the proposed public health policy will not reach the communities that need it most. APHA recently signed on to a letter to Congress proclaiming, “*The bill’s prohibition on menthol cigarettes, flavored cigars, and other flavored tobacco products will also help protect kids and public health. More than half of youth smokers – and seven in ten African American youth smokers – smoke menthol cigarettes. As a result of decades of pervasive tobacco industry marketing, 85 percent of African-American smokers smoke menthol cigarettes, and menthol is a likely contributor to the higher rates of tobacco-caused death and disease experienced by African Americans. A 2013 Food and Drug Administration (FDA) analysis concluded that menthol cigarettes increase youth initiation, increase nicotine addiction, and make it harder for smokers to quit.*”

The Office of the Surgeon General of the United States has published a full report on the harms and health concerns related to vaping among youth and young adults. Among the many findings, the report states that “Nicotine exposure during adolescence can cause addiction and can harm the developing adolescent brain.” Further, the report concludes that “E-cigarettes can expose users to several chemicals, including nicotine, carbonyl compounds, and volatile organic compounds, known to have adverse health effects. The health effects and potentially harmful doses of heated and aerosolized constituents of e-cigarette liquids, including solvents, flavorants, and toxicants, are not completely understood.”² More must be done to reduce access to these harmful, addictive products, and the proposed bill is a step in the right direction.

We also support an increase in licensing fees to assure that enforcement of the Tobacco 21 policies can be enforced. Assuring an enforcement mechanism is fundamental to the success of the intended changes to reduce access to harmful products to youth and young adults.

As the Committee makes their considerations, please do not hesitate to contact us (kpha@kpha.us) with any questions. We encourage the Committee to support HB 2563, as well as an amendment to add menthol to the flavor ban. Thank you for your time today.

KPHA is a professional association for Kansas public health practitioners, professionals, and advocates. As a voice for public health, KPHA provides a forum for individuals and organizations to work collectively to assure conditions in which Kansans' lives will be healthy.

(This position reflects the collective position of association members and may not necessarily reflect the views of each KPHA member’s employer.)

² U.S. Department of Health and Human Services. E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General—Executive Summary. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.