



County Health Officials of New York

Leading the way to healthier communities

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Written Testimony submitted by
Sarah Ravenhall, Executive Director on behalf of
The Board of Directors and Membership of the
New York State Association of County Health Officials (NYSACHO)
to the Senate Standing Committees on Consumer Protection, Health, and
Education

NYSACHO's MISSION:

To support, advocate for and empower local health departments in their work to prevent disease, disability and injury and promote health and wellness throughout New York State.

NYSACHO is incorporated as a not-for-profit, non-partisan charitable organization with 501(c)(3) tax exempt status.

CONTACT: Sarah Ravenhall, Executive Director, sarah@nysacho.org, 518-456-7905, ext. 108

1 United Way, Albany, NY 12205 www.nysacho.org.

The New York State Association of County Health Officials (NYSACHO) represents all 58 local health departments in New York State. County Health Officials thank Senators Thomas, Rivera and Mayer for their leadership, and for including the voice of local health departments during this important hearing aimed to investigate the safety and potential harms of electronic cigarettes and vaping, especially among school-aged youth. County health officials in New York are deeply concerned about the recent lung injury outbreaks associated with the use of vaping products, as well as the alarming and swift upward trend in vaping among adolescents. This is undoubtedly a significant public health threat, at a national, state, and local level.

E-cigarettes are battery-powered devices that deliver nicotine and flavorings to the user in the form of aerosol. They are also referred to as vapes, e-hookahs, vape pens, and electronic nicotine delivery systems (ENDS). The liquid used within the device can contain nicotine, tetrahydrocannabinol (THC) and cannabinoid (CBD) oils, and other substances and additives. Nicotine is highly addictive and can harm brain development which occurs from birth until about age 25. THC use has been associated with a wide range of negative health effects, particularly with prolonged heavy use, and THC use is linked to the current outbreak of vaping related lung disease. The best way to avoid potentially harmful effects is to avoid use of THC and cannabis products.

Usage of vaping products among youth

It is disturbing to see that an alarmingly high number of youth are using e-cigarettes or vaping products due to the availability of flavors such as bubblegum, captain crunch, cotton candy and other flavors which entice children to use these products, ultimately causing them to become addicted to nicotine at an early age. The use of any tobacco product, including e-cigarettes, is dangerous for young people due to the long-term side effects of the ingredients of such products. Evidence has shown young people who use e-cigarettes may be more likely to go on to use regular cigarettes or other combustible

products in the future. The transition from e-cigarettes to cigarettes and combustible products threatens the hard-fought declines in the number of adolescents who use nicotine-containing products. According to the Centers for Disease Control and Prevention (CDC), all individuals, including youth, who have reported lung injury during this current outbreak have a history of using e-cigarette, or vaping, products. As of October 22, 2019, 1,604 cases of e-cigarette, or vaping, product use associated lung injury have been reported to CDC from 49 states (all except Alaska). Furthermore, 34 deaths have been confirmed in 24 states. Data from the CDC (2019) further indicates that there have been approximately 55-90 cases of lung injury in New York State.

Data from the New York State Department of Health (NYSDOH) indicates nearly 40% of 12th grade students and 27% of high school students in New York State are now using e-cigarettes. This increase is primarily being influenced by the availability of flavored e-liquids. Furthermore, in a 2017 survey of 15 to 17-year-old adolescents in New York State currently using electronic vapor products, 19% of the adolescents said that flavors were the reason that they first tried an e-cigarette and 27% said flavors were the reason for maintaining use. These statistics highlight the negative effects of the increased availability and unregulated marketing of flavored vaping products.

County Health Officials strongly support the Governor's recent directive requiring sales sites to post signage alerting consumers of the health risks associated with use of vaping products, as well as the proposed ban on the sale of flavored electronic cigarettes and nicotine e-liquids. Several local municipalities have already enacted or are considering a ban of flavored vaping and tobacco products, including mint and menthol, which will have a positive effect on the health of New York's youth. *We urge legislators to act swiftly by-passing legislation to prohibit the sale of flavored vaping products, including mint and menthol, to ensure a statewide approach to comprehensively address this growing crisis.* County Health Officials believe current vaping-related illness and usage trends serve as a public

health warning for policymakers as they consider legalization of regulated adult-use cannabis, both because cannabis contains THC, and because of the growing body of evidence linking THC vaping products to the increase in lung illnesses, long-term injuries and deaths. County Health Officials further believe that current cannabis legalization efforts undermine the strong tobacco control and public health policies that New York State policymakers have passed into law. New York State has historically led the nation in enacting progressive and protective tobacco control framework. The rise of vaping activity in youthful populations demonstrates how quickly a change in societal norms can undo decades of strong and successful public health policy making. *County Health Officials stand firmly opposed to legalization of an adult-use cannabis program in New York State due to the impact it will have on the health, mental health and public safety of community members, particularly those representing vulnerable populations, including youth.*

New York State Department of Health and Local Health Departments

If, and hopefully, when, a flavored e-liquid ban moves forward through executive or legislative action, local health departments and New York State Department of Health District Offices will enforce the ban with retailers and make sure that these products are no longer accessible to any consumer, particularly to those under the legal age of sale. Local Health Departments will continue to support and inform community members and schools to the risks of e-cigarettes and vaping products while also providing information on how to access evidence-based smoking cessation programs and supportive counseling. Access to cessation programs will be a critical need for anyone ready to quit once a ban is enacted.

Vaping Products and Smoking Cessation

Proponents of vaping products often point to these devices as a means to aid in smoking cessation, yet evidence to support this view is at best inconclusive, and in fact, the U.S. Food and Drug Administration

regulates these devices under the same framework as tobacco products. A June 2019 Journal of American Heart Association article examined the research related to ENDS products and noted that “current evidence suggests that even under well-controlled conditions, when offered e-cigarettes with supportive counseling, 82% of smokers continue to smoke combustible cigarettes and do not switch to e-cigarettes. Of those who do quit, 80% continue to keep using e-cigarettes, that is, they switch between tobacco products rather than achieve nicotine abstinence.” The authors also noted that modest declines in smoking due to e-cigarette use does not account for the potential and growing body of evidence on harmful health effects posed by ENDS devices. The article concluded that “...the likelihood that the use of e-cigarettes drives a net public health gain remains uncertain. Moreover, it is unclear whether the marginal potential of e-cigarettes to reduce harm in current smokers justifies the recruitment of a whole new generation to nicotine and tobacco addiction.” The rise in the use of vaping products by adolescents strongly supports this concern.

Conclusion

Vaping poses serious yet avoidable health risks for youth. Companies that produce vaping products take advantage of that fact that youth are attracted to the marketable technology and flavorings seen in these devices. We appreciate and support the actions that the Governor has taken in order to address this public health issue and recommend the legislature to move these policies forward in the coming legislative session. We hope to see a decline in vaping among youth as a result of the ban on flavored vaping products, which we strongly recommend include both mint and menthol flavors. We also hope that state officials will recognize that potential legalization of adult cannabis will send a message to vulnerable populations, particular youth, that cannabis use does not pose a health risk and that smoking is acceptable. If passed into law, establishment of a legal cannabis market in New York State will would

further undermine the public health gains we have achieved in New York State by developing evidence-based tobacco control measures through policy.

The County Health Officials of New York and their association, NYSACHO, look forward to working with you on important public health issues during the upcoming session. Thank you for your time and commitment to the health and safety of New York's communities.

Resources

1. Centers for Disease Control and Prevention. Outbreak of Lung Injury Associated With the Use of E-Cigarette, or Vaping Products. Retrieved from:
https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html. Nov. 2, 2019.
2. New York State Department of Health. Get the Facts-Electronic Cigarettes (E-Cigarettes) and Similar Vapor Products. Retrieved from:
https://www.health.ny.gov/prevention/tobacco_control/campaign/e-cigarettes/. November 2, 2019.
3. Bhatnagar, A., Payne, T.J., Robertson, R.M. (15 Jun 2019). "Is There A Role for Electronic Cigarettes in Tobacco Cessation?" *Journal of the American Heart Association*.