

**Senate Finance and Assembly Ways and Means Joint Legislative Hearing
State Fiscal Year 2023-2024 Executive Budget Health and Medicaid
February 28, 2023**

Chair Krueger, Chair Weinstein, and Members of the Joint Fiscal Committee:

Roswell Park Comprehensive Cancer Center (“RPCCC”), the only National Cancer Institute-designated comprehensive cancer center in Upstate New York, submits this testimony:

- (1) in support of Governor Hochul’s Executive Budget “Tobacco Free Generation” policy proposals; and
- (2) to reiterate the importance of keeping the State support for RPCCC consistent with the 2023 state fiscal year figures.

Support for Governor’s Tobacco Policy Proposals

Tobacco products are a burden on society like no other commercial product, costing the U.S. \$300 billion in health care expenditures and killing more than 480,000 people every year. In New York State, tobacco remains the number one preventable cause of death, killing over 28,000 residents annually¹. While New York has made progress in combatting tobacco, 12% of adults are still smoking — and that number is significantly higher in many counties and across people with different social identities and circumstances. In 2019, the Centers for Disease Control and Prevention estimated that 5.3 million middle and high school students used e-cigarettes, driving the rates of overall tobacco use among high school students to the highest level in 19 years.

Tobacco is the only consumer product that, when used as intended, kills nearly half of its users and exposes innocent bystanders to significant health risks. The Governor’s proposal is an important opportunity to protect New York State residents—from the youngest to the oldest—from this preventable harm. It is imperative for us, as a community, to embrace these policies as the best way to decrease appeal and affordability of tobacco, particularly removing enticing flavors that are luring children to become users of these harmful products.

Communities across New York, especially those that have been targeted by and experience a disproportionate burden from predatory tobacco industry practices, including individuals: (i) living with disability, (ii) with less than a high school education, (iii) in frequent mental distress, or (iv) enrolled in Medicaid, will benefit greatly from these proposed reforms. Among all of these groups, smoking rates are 5-10% higher than the NYS adult average. It is clear that some past tobacco control efforts have failed to appropriately help these communities, creating social justice and health equity issues. The Governor’s proposals will positively benefit these groups.

Data shows that when the cost of tobacco increases 10%, the decrease in use by those under 18 is 5-15% and for adults is 3-7% (cbpp.org). The Governor’s proposal to increase the cigarette tax by \$1 per pack, amounts to an

¹ https://www.health.ny.gov/prevention/tobacco_control/

18% cost increase. Accordingly, it is expected that this increase will translate to significant public health benefits for New Yorkers, including:

- Decreasing youth (under age 18) smoking by 8.2%
- Preventing 14,400 youth under age 18 from becoming adults who smoke
- Reducing the number of young adults (18-24 years old) who smoke by 3,000
- Resulting in 44,800 adults who currently smoke quitting
- Saving over 15,300 lives.

RPCCC similarly supports ending the sale of menthol cigarettes and other flavored tobacco products. Flavors are a marketing weapon used by tobacco manufacturers to target youth and young people for a lifetime of addiction. Altering tobacco product ingredients and design, like adding flavors, can improve the ease of use of a product by masking harsh effects, facilitating nicotine uptake, and increasing a product's overall appeal.

Mint, Menthol, and other candy and fruit flavored tobacco products are a promotional tool to attract new, young users, and are aggressively marketed with creative campaigns by tobacco companies. Products with flavors like cherry, grape, cotton candy, mint, and gummy bear are clearly not aimed at established, adult tobacco users. Years of tobacco industry documents confirm the intended use of flavors to target youth. Furthermore, youth report flavors are a leading reason they use tobacco products and perceive flavored products as less harmful.

If New York is to ever succeed in ending the cycle of addiction to tobacco, it is imperative that this proposal include all products and all flavors—including menthol cigarettes. Tobacco manufacturers have aggressively targeted communities of color and LGBTQ+ communities with menthol products, leading to an unequal burden of death and disease. Internal tobacco industry documents show that the tobacco companies were intentionally targeting African Americans and other groups that have been economically/socially marginalized, including Hispanics, youth, and LGBTQ+, through advertising in magazines with high readership by these populations and targeting specific neighborhoods with higher proportions of these communities with increased advertising and promotions. The overwhelming majority of all African Americans who smoke (85.5 percent) report smoking menthol cigarettes compared to less than a third of Whites who smoke (28.7 percent) and almost half of youth who smoked cigarettes used menthol cigarettes (46.7 percent).

Although New York State acted in 2019 to address the explosive growth in flavored electronic cigarettes by passing legislation to end the sale of most flavored electronic cigarettes, legislation to end the sale of menthol cigarettes all other flavored tobacco products has long stalled. The result has been Big Tobacco continuing to hook children with their deadly products and profit off the lives of people of color, the LGBTQ+ community and communities with limited incomes. In the absence of a comprehensive proposal that includes all flavors, all products, and all retailers, we run the risk of youth and adults substituting with menthol cigarettes or any other flavored product that is not included in the proposal.

For these reasons, the healthcare professionals fighting the war on cancer on a daily basis at Roswell Park Comprehensive Cancer Center, strongly support ending the sale of menthol cigarettes and all other flavored tobacco and increasing the cigarette tax by at least \$1 per pack.

Roswell Park's State Financial Support

First founded in 1898, RPCCC is a National Cancer Institute designated Comprehensive Cancer Center. As noted above, it is the only such designated center in upstate NY and is one of only four comprehensive clinical and research centers in the entire state. In 2020, US News and World Report ranked Roswell as the 14th best cancer hospital in the country. As the nation's first hospital dedicated to cancer and cancer research, Roswell Park serves as the model for comprehensive cancer research centers around the world. The collaborative work of its scientific research, investigations in the laboratory, and the work of its clinicians, researchers, and surgeons, together have transformed cancer care.

RPCCC is a State Public Benefit Corporation ("PBC") with a collectively bargained public workforce. As a PBC, RPCCC proudly pays a prevailing wage and honors a 30% MWBE commitment. It employs approximately 3,900 employees, nearly 90% of whom are unionized state employees represented by CSEA, PEF, or NYSCOPA. RPCCC participates in the NYS Pension and makes annual payments for post retiree health benefits and other post-employment benefits ("OPEB"). In FY 23-24, these legacy obligations will rise to \$60.4 million, with a \$19.8 million debt service payment on the state-owned, 29-acre campus (comprised of 18 buildings), \$27.1 million cash payment to the pension fund, and a \$13.4 million cash OPEB payment.

RPCCC serves an 8-county area of Western New York ("WNY"), in addition to neighboring states and Canada, and has partner providers throughout New York. The RPCC catchment area is characterized by poverty, obesity, and tobacco use/smoking, which then corresponds to increased incidences of cancer and mortality rates in breast, prostate, colorectal, colon, bladder, kidney, and lung cancers.

Roswell Park reiterates its appreciation for the Executive and the Legislature including as part of last year's enacted budget, a total funding amount of \$112.767M -- \$55.463M in Operating (Aid to Localities) and \$57.304M in Capital support. The 2023 enacted budget reflected a strong commitment to Roswell's continued work in the fight against cancer. We respectfully ask that this fiscal year, the State of New York maintain that same level of funding to provide critical support RPCCC in its mission to create a powerful force against cancer.

In order to ensure that the funding level is kept flat, we would request that the Legislature increase the Executive capital appropriation by \$6 million. Ensuring this level of financial support would enable RPCCC to continue its work and also expand its efforts by purchasing "Adaptive Radiotherapy" Equipment, bringing this therapy to Buffalo for a high need community. Adaptive Radiation Therapy (ART) is a form of pinpoint targeting of radiation treatment to a new level of personalized medicine. ART reassesses a patients' tumor daily and automatically adjusts to a shrinking tumor or changes to a tumor's position due to the shifts in nearby organs.

ART is offered in Rochester, Pittsburgh, and Cleveland, but traveling for radiation therapy is not a sustainable option for patients in need of this treatment, who are often seen regularly, 5 days a week. This equipment would be at Roswell Park's Buffalo Campus, with access to public transportation and proximity to Buffalo's East Side.

ART requires more doctor-patient engagement and longer amounts of time on the machine. It does not drive more revenue than a traditional radiation medicine, but it does lead to better patient outcomes, especially on smaller pelvic tumors where the risk of damaging good tissue is high. Appointments for this treatment are less frequent and more impactful appointments, which means less time away from their family and/or employment while achieving better outcomes.

The primary disease states currently being treated with ART in the US with some very promising published results include lung, head and neck, and gastrointestinal and pelvic tumors, including prostate. ART as an option for these cancers will be incredibly impactful because breast, prostate, lung and bronchus, and colon cancers have the top 5 highest incidence in WNY while lung, breast, prostate, colon, and pancreatic cancer have the highest mortality.

Each of these cancers have major health equity issues. Recent studies show that someone who is Black is 2.5 times more likely to die of prostate cancer than White non-Hispanic, 1.5 times more likely to die of colorectal cancer, a third more likely to die of breast cancer, and a third more likely to die of lung cancer than someone who is White non-Hispanic. As we work to address these disparities in care, providing local precision care like this, which is highly impactful for the mentioned cancers, will hopefully lower cancer mortality overall while shrinking the divide.

ART will impact our mission of curing cancers and reducing the cancer burden, especially among BIPOC+ communities. We've included an addendum to share data on how WNY compares, Black WNY residents compare, and Hispanic WNY residents compare to state and nationwide health outcomes. Therapy like ART works best when the cancer is localized, so it is complementary to our efforts to diagnose cancers early through screening. Last year we conducted over 10,000 mammograms at Roswell Park, and that's not including those conducted in the community. We have patient navigators at each Federally Qualified Health Center in WNY scheduling patients for colonoscopies, mammograms, low dose CT (lung) scans, prostate exams, pap smears, and other early detection diagnostic appointments. Those navigators send patients to the best and closest location for them and their health, which could be any area hospital or clinic.

We respectfully submit that the time for ART capabilities in Western New York is now, and that the best way to provide this opportunity to our community is for the Legislature to support this capital allocation adjustment of \$6 million for RPCCC.

We genuinely appreciate your attention to these issues and welcome the opportunity to discuss with you further. If you have any questions, please contact Roswell Park's Vice President of Government Affairs, James Kennedy at 716-845-3102 or James.Kennedy@RoswellPark.org.

Sincerely,

A handwritten signature in black ink that reads "Candace S. Johnson". The signature is written in a cursive, flowing style.

Candace S. Johnson, PhD
President & CEO