

**Testimony before the Kansas City Neighborhood Planning and Development Committee
Regarding Banning Flavored Tobacco and Vapor Products**

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Chairperson Parks-Shaw and Vice Chair Bunch and Members of the Committee:

Thank you for your time today to discuss banning the sale of flavored tobacco and vapor products. My name is Lindsey Stroud and I'm a Senior Fellow at the Taxpayers Protection Alliance (TPA). TPA is a non-profit, non-partisan organization dedicated to educating the public through the research, analysis, and dissemination of information on the government's effects on the economy.

Draconian proposals such as flavor bans disregard record lows in youth tobacco use and declines in youth vapor product use. Banning flavored tobacco and vapor product sales will unfairly punish law abiding adults who enjoy flavored tobacco and/or rely on flavored vapor products to remain smoke-free.

Key Points:

- In 2022, an estimated 808,592 adults (16.8 percent) were currently smoking. This is a 2.9 percent decrease from 2021 and represents 18,976 fewer adults smoking.
- In 2022, 389,857 Missouri adults (8.1 percent) were currently using e-cigarettes. This a 9.5 percent increase from 2021 and represents 35,868 additional adults vaping.
- Youth tobacco and vapor product use has decreased significantly in recent years.
- In 2024, only 7.4 percent of Missouri middle and high school students had ever tried a combustible cigarette, while two percent reported smoking the past month.
- Nationally, youth e-cigarette use has continued to decline. In 2023, 10 percent of U.S. high school students reported current e-cigarette use, while 5.6 percent of U.S. middle schoolers were currently vaping.
- Flavors are not the main reason why youth use e-cigarettes.
- Nationally, only 13.2 percent of U.S. middle and high school students who were currently vaping in 2021 cited flavors as a reason for using e-cigarettes. Comparatively, 43.5 percent cited using e-cigarettes to get a buzz, 43.2 percent had used them because they were feeling anxious, depressed, and/or stressed, and 27.6 percent had used them because a friend and/or family member had.
- Flavors play an important role in adult use of e-cigarettes. A 2018 survey of nearly 70,000 U.S. adult vapers found that 83.2 percent and 72.3 percent of participants reported vaping fruit and dessert flavors, respectively.
- A 2019 user survey found that tobacco flavor was used by less than five percent of adults.
- Flavor bans will harm small businesses.

- In 2023, small vapor's total economic impact to Missouri was estimated to be more than \$26.2 million.
- Missouri should allocate more of existing tobacco monies towards tobacco control programs including cessation, education, and prevention efforts.
- In 2022, for every \$1 the Show Me State received in tobacco monies, it spent less than \$0.01 on tobacco control efforts.

Missouri Adults Need Access to Safer Alternatives to Cigarettes

In 2022, according to the Centers for Disease Control and Prevention (CDC), an estimated 808,592 adults (or 16.8 percent of Missourians) were currently smoking.¹ This is a 2.9 percent decrease from 2021 when 17.3 percent reported current cigarette use. There were 18,976 fewer adults smoking in 2022 compared to 2021.

In 2022, an estimated 389,857 Missouri adults (or 8.1 percent) were currently using e-cigarettes. This is a 9.5 percent increase from 2021 when 7.4 percent reported current e-cigarette use. There were an estimated 35,868 additional adults vaping in 2022 compared to 2021.

Among Missouri adults currently using e-cigarettes in 2022, 31 percent were 18 to 24 years old, 51.2 percent were 25 to 44 years old, 13.6 percent were 45 to 64 years old and 4.1 percent of current e-cigarette users in Missouri in 2022 were 65 years or older. Among adult e-cigarette users in Missouri in 2022, 69 percent were 25 years or older.

Youth Tobacco and Vapor Product Use at Record Lows in Missouri

While lawmakers can be lauded for working to prevent youth use of age-restricted products, they should be aware that existing policies have helped to decrease youth use of tobacco and vapor products in recent years.

In 2024, according to Missouri Student Survey, only 9.1 percent of Missouri students in grades 6 through 12 reported using e-cigarettes in the past 30 days, while 18 percent reported having ever used them.² These are some of the lowest levels recorded among youth in the Show Me State. Between 2018 and 2024, past-month use of vapor products among Missouri students decreased by 40.5 percent.

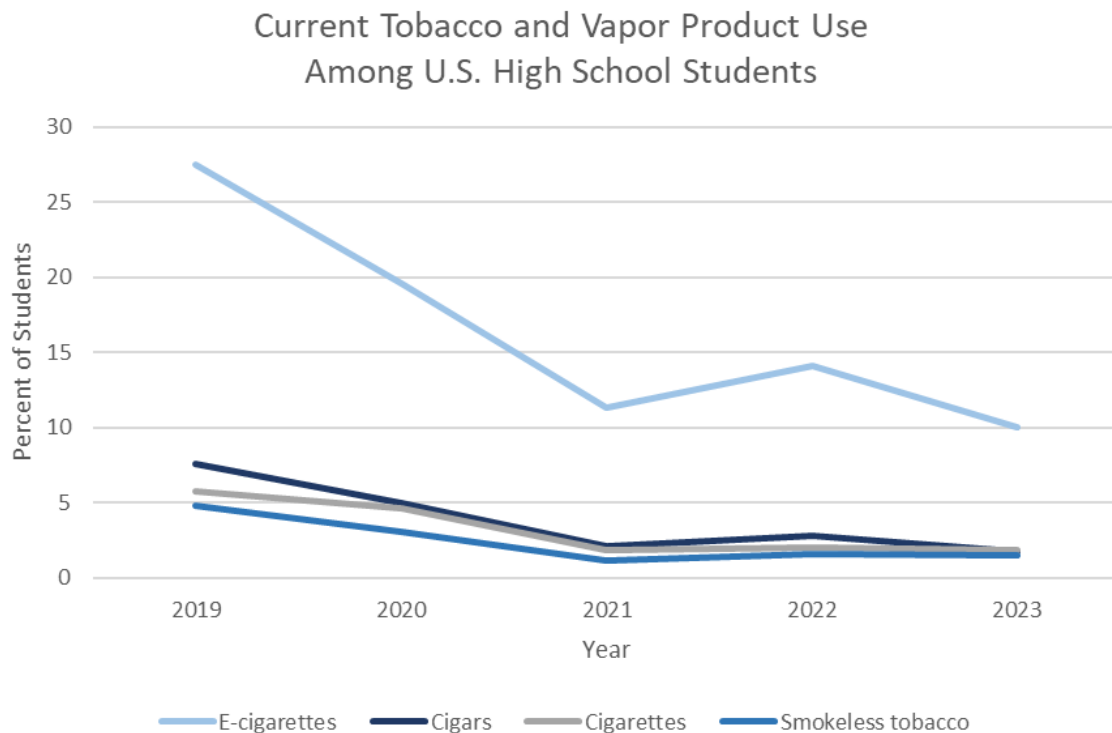
Moreover, the introduction of e-cigarettes has not led to increases in use of combustible cigarettes. In 2024, only 7.4 percent of Missouri middle and high school students had ever tried a combustible cigarette, while two percent reported smoking the past month. Further, more than three-fourths (76.9 percent) of students reported that smoking cigarettes was “not at all cool.”

Nationally, Youth Tobacco and Vapor Product Use Continues to Decline

In 2023, according to the CDC's National Youth Tobacco Survey (NYTS), among U.S. high school students:

- 10 percent were currently using e-cigarettes
- 1.9 percent were currently using combustible cigarettes
- 1.8 percent were currently using cigars
- 1.5 percent were currently using smokeless tobacco products

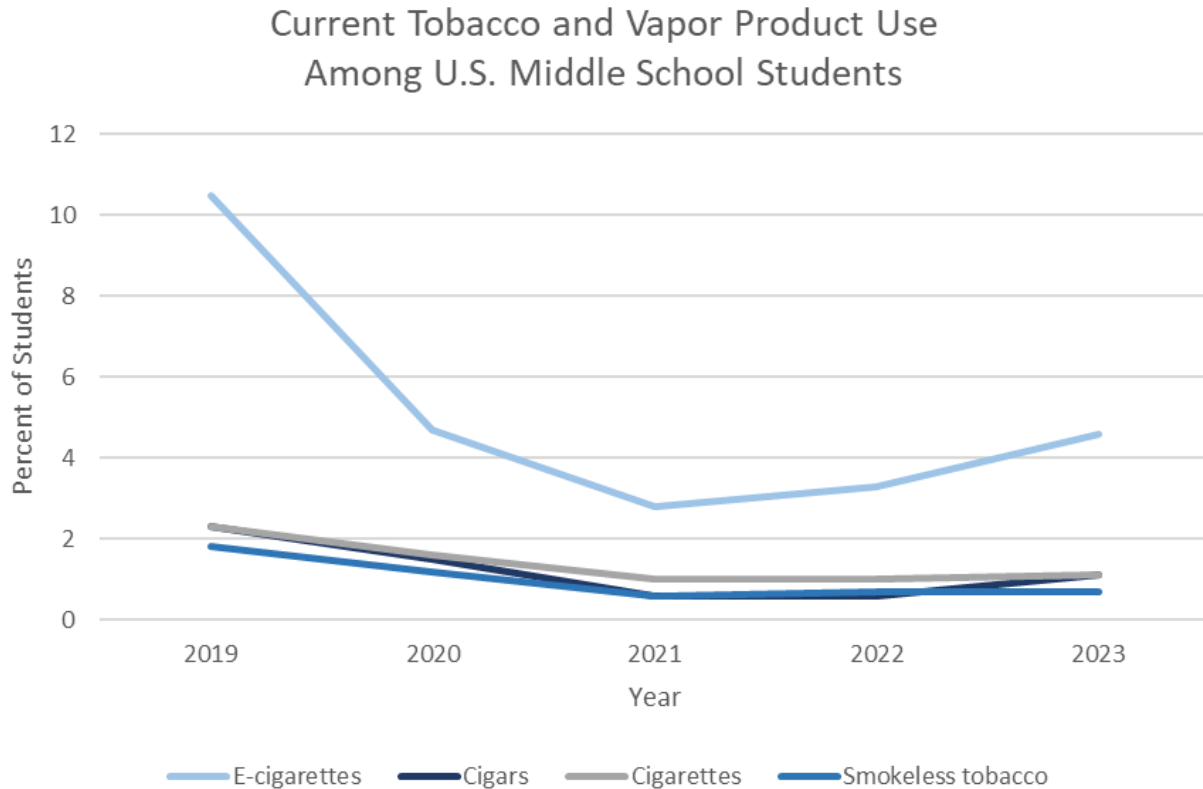
Vaping peaked among U.S. high school students in 2019 when 27.5 percent were currently vaping. Between 2019 and 2023, current e-cigarette use among U.S. high schoolers decreased by 63.6 percent. Further, these decreases have continued. Between 2022 and 2023, current e-cigarette use among U.S. high school students decreased by 29.1 percent.



Among U.S. middle school students:

- 5.6 percent were currently using e-cigarettes
- 1.1 percent were currently using combustible cigarettes
- 1.1 percent were currently using cigars
- 0.7 percent were currently using smokeless tobacco products

Vaping peaked among U.S. middle school students in 2019 when 10.5 percent were currently vaping. Between 2019 and 2023, current e-cigarette use among U.S. middle schoolers decreased by 56.2 percent.



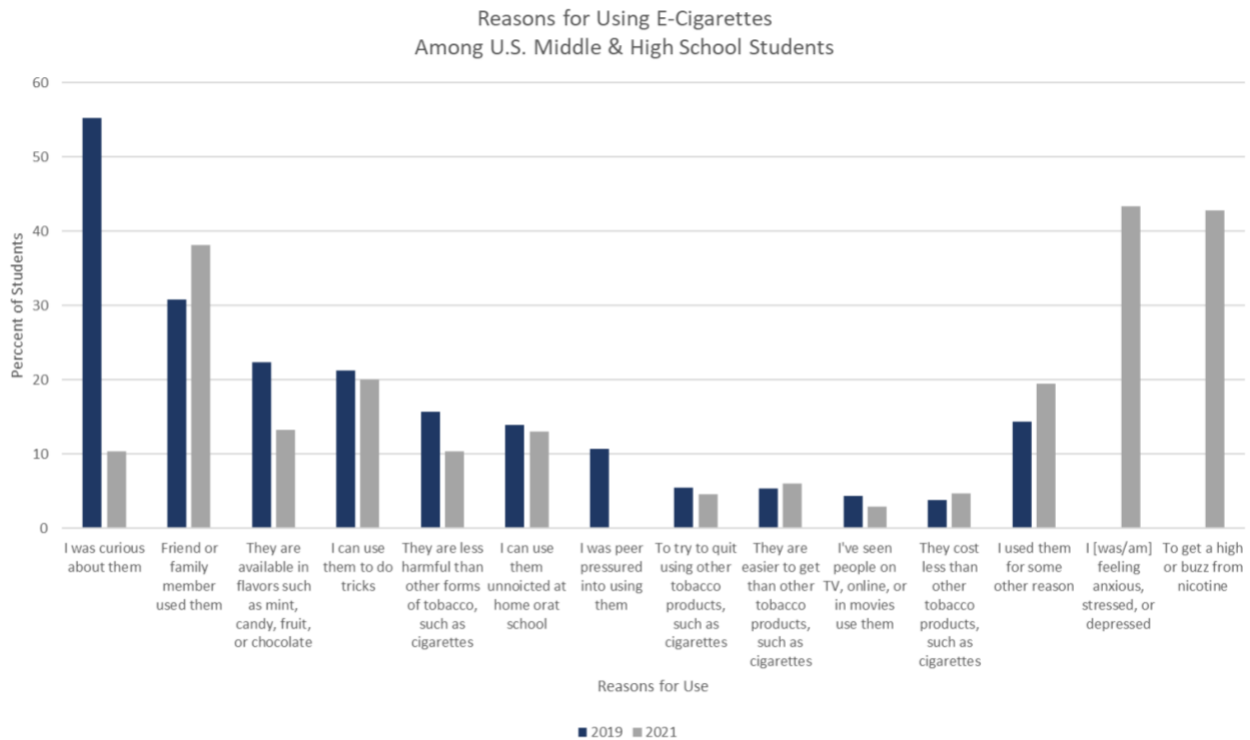
Youth Are Not Citing Flavors As Reason For E-Cigarette Use

Despite alarmism, flavors are not the main driver of youth e-cigarette use, and are in fact, essential in both assisting adults to transition away from combustible cigarettes, as well as remain smoke-free.

Nationally, youth are not using e-cigarettes because of flavors. In 2021, according to the NYTS, among U.S. middle and high school students who were currently using e-cigarettes in 2021:³

- 43.5 percent reported using them to get a high and/or buzz
- 43.2 percent had used them because they were feeling anxious, stressed and/or depressed
- 27.6 percent reported using them because a friend and/or family member had used them
- 19 percent reported “other”
- 13.2 percent reported using them because of flavors

- 10.3 percent reported using them because they were less harmful than other tobacco products



Flavors Play Important Role in Adult E-Cigarette Use

But for adults, flavors provide a unique benefit, and are used in traditional tobacco cessation products including gums. And numerous surveys and studies of adults using e-cigarettes find flavors play an essential role in tobacco harm reduction.

A 2018 survey of nearly 70,000 American adult vapers “found flavors play a vital role in the use of electronic cigarettes and vaping devices.”⁴ In fact, 83.2 percent and 72.3 percent of survey respondents reported vaping fruit and dessert flavors, respectively. Most respondents indicated restricting flavors would make vaping “less enjoyable.”

Analysis of EcigIntelligence’s 2019 user survey found that fruits, sweets and candy, and desserts and bakery flavors “are among the most preferred flavors across all age groups.”⁵ Use of tobacco flavor was preferred by less than 5 percent of those who vape. If legal sales were restricted to tobacco flavor only, 69 percent of respondents said they would try to acquire their flavors from alternative methods and 25 percent stated that they would be willing to drive over 100 miles to obtain supply. This illustrates that flavors are important to the appeal of vaping over smoking

and that proposals to ban flavored vaping products are more an attempt at prohibition by stealth than a serious public health measure.

A 2020 study found an association between flavors and smoking cessation. In a cohort study of more than 17,900 participants, the authors found that “adults who began vaping nontobacco-flavored e-cigarettes were more likely to quit smoking than those who vaped tobacco flavors.”⁶

Legislation Negatively Impacts Small Businesses

In addition to harming adults who rely on flavored vapor products to remain smoke-free, banning flavors will disproportionately impact small businesses.

According to the Vapor Technology Association (VTA), in 2023, the vapor industry provided more than \$25.3 million in wages related to vaping jobs.⁷ In 2023, the vape industry provided more than 12.8 million in state taxes to Missouri. In fact, VTA estimates vapes total economic impact to the state in 2023 to be more than \$46.2 million.

Proposal Will Stunt Tobacco Harm Reduction Options for Adults

Numerous public health agencies – including American and other countries – have found e-cigarettes to both reduce harm and help adults quit smoking.

The FDA has noted that “transitioning completely from using cigarettes to an e-cigarette would reduce the risk of exposure to harmful chemicals.”⁸ The agency has even authorized the sale of a handful of e-cigarettes, finding these products to be “appropriate for the protection of public health.”⁹

The CDC has stated that e-cigarettes are “less harmful than regular cigarettes, with e-cigarette “aerosol generally [containing] fewer toxic chemicals” than what is found in combustible cigarette smoke.”¹⁰

In the United Kingdom (UK), public health agencies including the UK Royal College of Physicians (RCP) and Public Health England (PHE) promote the use of e-cigarettes for adults who smoke and are unable to simply quit cigarettes. RCP states that e-cigarettes are unlikely to exceed 5 percent of the risks from smoking.¹¹ PHE has found that “vaping poses a small fraction of the risks of smoking.”¹² Last year, the UK government gave away 1 million free e-cigarette products in a campaign to reduce smoking rates.¹³

The New Zealand Ministry of Health has declared that “vaping products are much less harmful than smoking ... [and that people who smoke] switching to vaping products are highly likely to reduce the risks to their health and those around them.”¹⁴

Backwards proposals such as excessive taxation and prohibitions restricts and limits adult access to safer nicotine products while disregarding the developments made in reducing the tobacco burden.

Missouri Should Dedicate More of Existing Tobacco Monies on Tobacco Control Programs

Each year, states receive billions of dollars borne out of the lungs of persons who smoke. This revenue includes excise cigarette taxes and settlement payments. Yet, each year, states spend miniscule amounts of tobacco-related monies on programs to help adults quit smoking and prevent youth use.

In 2022, the Show-Me State collected \$68 million in state excise tax revenue from combustible cigarettes.¹⁵ This was a 5.8 percent decrease from 2021's \$72.2 million, or \$4.2 million less. Between 2002 and 2022, Missouri collected more than \$1.8 billion in cigarette taxes.

Since 2000, Missouri has collected annual payments from tobacco manufacturers based on the percentage of cigarettes and tobacco products sold in the state in that year. Missouri collected \$139.1 million in settlement payments in 2022, a 0.6 percent increase from 2021's \$138.3 million, or an additional \$800,000. Since 2002, the Show-Me State collected more than \$2.8 billion in tobacco settlement payments.

While Missouri collected an estimated \$207.1 million in tobacco-related monies in 2022, the state allocated only \$500,000 in state funding towards tobacco control programs, including cessation, education, and youth prevention efforts, which was a 150 percent increase in funding from 2021's \$200,000. This amounts to 0.7 percent of taxes and 0.4 percent of settlement payments. In 2022, for every \$1 the state received in tobacco monies, it spent less than \$0.01 on tobacco control efforts.

To put it in further perspective, in 2022, more than 808,000 Missouri adults were smoking. The same year, the state collected \$68 million in state cigarette excise taxes, yet only spent \$500,000 on tobacco control programs. Essentially, Missouri received at least \$84.00 from each adult smoking in 2021, yet spent only \$6.18 on tobacco control programs for each adult who was smoking that year.

Simply, if lawmakers want to help further reduce youth and adult tobacco and vapor product use, they ought to invest more into existing programs including education and prevention efforts.

Conclusion

With youth vaping having consistently declined in recent years, and youth use of traditional tobacco products at record lows, it is not necessary for Missouri policymakers to impose a prohibition on flavored tobacco and vapor products, which would severely stunt tobacco harm reduction options for adults.

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- ² Missouri Department of Mental Health, “2024 Missouri Student Survey,” 2024 https://dmh.mo.gov/sites/dmh/files/media/pdf/2024/08/mss-2024-report-final_0.pdf.
- ³ Andrea S. Gentzke, PhD *et al.*, “Tobacco Product Use and Associated Factors Among Middle and High School Students — National Youth Tobacco Survey, United States, 2021,” Mar. 11, 2022, <https://www.cdc.gov/mmwr/volumes/71/ss/ss7105a1.htm>.
- ⁴ Konstantinos Farsalinos, “Submitting to the FDA the findings of the largest ever survey on e-cigarette flavors use by US vapers,” E-Cigarette Research, August 11, 2008, <http://www.ecigarette-research.org/research/index.php/whats-new/2018-2/266-us-flav>.
- ⁵ Consumer Advocates for Smoke-free Alternatives Association, “ECigintelligence User Survey 2019,” August 25, 2020, <https://casaa.org/ecigintelligence-user-survey-2019/>.
- ⁶ Abigail S. Friedman and SiQing Xu, “Associations of Flavored e-Cigarette Uptake With Subsequent Smoking Initiation and Cessation,” *JAMA*, June 5, 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7275248/>.
- ⁷ Vapor Technology Association, “The Economic Impact of the Vapor Industry 2023 – Missouri,” 2023, <https://vta.guerrillaeconomics.net/reports/a269d00d-9a32-4e85-afe6-880c83c5df98?>.
- ⁸ U.S. Food and Drug Administration, “Facts about E-Cigarettes,” Jul. 7, 2023, <https://www.fda.gov/news-events/press-announcements/fda-issues-decisions-additional-e-cigarette-products>.
- ⁹ U.S. Food and Drug Administration, “FDA Issues Decisions on Additional E-Cigarette Products,” *FDA News Release*, Mar. 24, 2022, <https://web.archive.org/web/20230404124426/https://www.fda.gov/news-events/press-announcements/fda-issues-decisions-additional-e-cigarette-products>.
- ¹⁰ Centers for Disease Control and Prevention, “About Electronic Cigarettes (E-Cigarettes),” *Smoking & Tobacco Use*, Nov. 2, 2023, https://www.cdc.gov/tobacco/basic_information/e-cigarettes/about-e-cigarettes.html.
- ¹¹ Royal College of Physicians, “E-cigarettes and non-combustible inhaled tobacco products,” Sept. 2017, <https://www.rcgp.org.uk/representing-you/policy-areas/e-cigarettes#:~:text=Public%20Health%20England%20and%20the,from%20conventional%20smoking13%2C14..>
- ¹² Public Health England, “Nicotine vaping in England: 2022 evidence update main findings,” Sept. 29, 2022, <https://www.gov.uk/government/publications/nicotine-vaping-in-england-2022-evidence-update/nicotine-vaping-in-england-2022-evidence-update-main-findings>.
- ¹³ Department of Health and Social Care, “Smokers urged to swap cigarettes for vapes in world first scheme,” GOV.UK, Apr. 11, 2023, <https://www.gov.uk/government/news/smokers-urged-to-swap-cigarettes-for-vapes-in-world-first-scheme>
- ¹⁴ New Zealand Ministry of Health, “Position statement on vaping,” Sept. 3, 2020, <https://web.archive.org/web/20230214002612/https://www.health.govt.nz/our-work/preventative-health-wellness/tobacco-control/vaping-smokefree-environments-and-regulated-products/position-statement-vaping>.
- ¹⁵ Lindsey Stroud, *supra* note 1.