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Legislature Passes Landmark Legislation to Ban Flavored Tobacco

Bill aims to protect young people from nicotine addiction

BOSTON – Senator Michael O. Moore (D-Millbury) and Representative Hannah E. Kane (R-Shrewsbury) announced the passage of landmark legislation to reduce youth access to tobacco and nicotine products.

In the wake of widespread increases in youth vaping, the legislation offers a comprehensive approach to protecting young people from nicotine use and addiction. Among its provisions, the bill bans the sale of all flavored tobacco products, institutes a 75 percent excise tax on e-cigarettes and e-liquids, and expands health coverage for tobacco use cessation products and counseling.

“The passage of this legislation is an important step forward in reducing youth tobacco and nicotine product use here in our Commonwealth,” said Senator Moore. “While youth smoking has declined considerably in the last two decades, youth use of other addictive tobacco products like e-cigarettes is increasing sharply and this new law seeks to address that.”

“The creation and promotion of flavored tobacco products explicitly and unacceptably targets youths, putting them at risk of potentially life-ending addiction,” said Representative Kane. “The seriousness of this issue cannot be overstated. This legislation is instrumental in protecting the health of our young people.”

While the Commonwealth has made significant progress in preventing youth smoking rates in the last two decades, youth use of e-cigarettes and vaping products has increased dramatically. The 2017 Massachusetts Youth Health Survey reported over 20 percent of high school students were

currently vaping—a rate six times that of adult use. More recent reports put estimates on youth e-cigarette use closer to 27 percent.

The legislation specifically targets the sale of flavored tobacco products because they have historically been used to attract young people. Flavored cigarettes were banned by the Federal government in 2009 as part of the Family Smoking Prevention and Tobacco Control Act. However, that law did not apply to other tobacco products, including e-cigarettes, which come in over 8,000 flavors with youth appeal such as ‘gummy bear,’ cotton candy, fruit punch, mint and menthol.

The legislation bans the sale of all flavors, including menthol, for all tobacco products including cigarettes, e-cigarettes, chewing tobacco, cigars, pipe tobacco, and snuff. Youth smokers remain the age group most likely to smoke mentholated cigarettes, and menthol smoking prevalence now exceeds non-menthol smoking prevalence among both young and young adult smokers.

Taxing tobacco products is a proven method of decreasing youth use and this bill will bring the sales price of e-cigarettes to near parity with cigarette prices by instituting a 75 percent excise tax on both e-cigarettes and e-liquids.

The bill will expand health insurance coverage for tobacco cessation so that people have access to the products and counseling necessary to quit nicotine. The bill requires coverage of at least one cessation product without prior authorization for MassHealth, Group Insurance Commission, and private insurance members.

Further provisions regarding e-cigarettes and vape products were included in the bill to regulate this growing market. In particular, the bill expands oversight of the Department of Revenue to include e-cigarette retailers. It also limits the sale of e-cigarette products with nicotine content higher than 20 milligrams per milliliter to adult-only stores and establishes penalties for the illegal distribution of e-cigarettes.

Tobacco use and nicotine addiction remain the leading causes of preventable illness and premature death in Massachusetts. Each year, more than 9,300 people die from tobacco use across the state and smoking-related illnesses are responsible for more than \$4 billion in annual healthcare costs to the Commonwealth.

The bill now goes to Governor Charlie Baker for his consideration. To continue tracking the legislation, H.4196, visit the Legislature’s website, www.MAlegislature.gov.

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