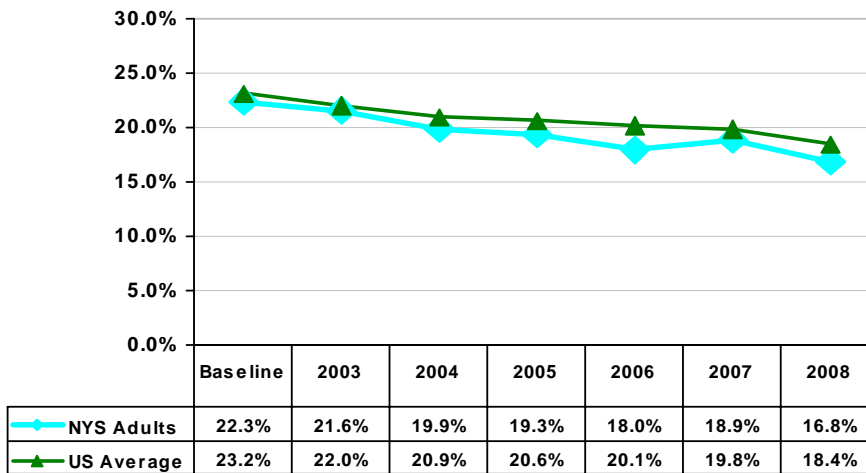


State of the Plan: Health Promotion & Disease Prevention An Update on Tobacco Control in New York State

Tobacco use and exposure is the leading preventable cause of death in the United States and the American Cancer Society (ACS) estimates that 60% of cancers could be avoided if people stopped using tobacco and adopted healthier lifestyles. The New York State Comprehensive Cancer Control Plan has two goals related to tobacco use: (1) By 2010, reduce tobacco use by adolescents to 12% and (2) By 2010, reduce tobacco use by adults to reduce tobacco use to 15% for cigarette use, 0.4% for spit tobacco use, and 1.2% for cigar use. Since the implementation of the NYSCCCP cigarette use amongst adolescents and adults in New York State has continually declined and New Yorkers are smoking at rates lower than national averages.



Tobacco Related Policies & Legislation

Cigarette Taxes

New York State has the second highest tax in the United State at \$2.75 a pack and in January 2009, a new bill was introduced that proposes an increase in the state tax on a pack of cigarettes to \$3.50 which would make it the highest in the nation. [New York AB 3300, AB 8028, SB 4036] (Filed & sent to committee on Ways and Means, 1/26/09; held in committee as of 9/6/09). New York City has its own additional \$1.50 local cigarette excise tax, bringing the total tax to \$4.25 across the five boroughs, which is the highest local tobacco tax in the US. In 2008, Governor Patterson signed new legislation to combat cigarette tax evasion that prohibits cigarette manufacturers from shipping cigarettes to any wholesale dealer unless the dealer certifies the cigarettes will not be sold tax-free. Non-Indians purchasing cigarettes through Indian Nation venues will have to pay the tax; although Indians will still be able to purchase cigarettes tax-free on reservations. On April 1, 2009 the federal cigarette excise tax increased to \$1.00 as part of the State Children's Health Insurance Plan (SCHIP) bill that was signed into law by President Obama on February 4, 2009.

State Smoking Restrictions

The Clean Indoor Air Act 2003 currently prohibits smoking of tobacco (herbal cigarettes are exempted) in nearly all public and work places including childcare facilities, restaurants, bars, and retail stores. Exemptions are allowed for cigar bars in existence prior to December 31, 2002, and for organizations that do not have employees. Municipalities may enact local laws that are stronger than the state law. For example, Rockland County has prohibited smoking in motor vehicles when children under the age of 18 are present. Many municipalities have enacted smoking bans in outdoor areas such as playgrounds, parks, and beaches. In addition, New York State has issued regulations to become the first state in the nation to require all state-run addiction treatment centers (both inpatient and outpatient) to prohibit smoking in their facilities and on their grounds and offer smoking cessation services to their clients. In July 2008, legislation was passed that makes all dormitories in public and private colleges and universities in New York state smoke-free. To date there are 14 colleges in New York that have established a 100% smoke-free campus policy where no smoking is allowed on campus property (link to report instead). The American Lung Association of New York report "*Tobacco on Campus: Smoking Policies of New York Colleges*" summarizes selected New York State colleges smoking policies and can be found at <http://www.lungusa.org/associations/states/new-york/reports/assets/tobacco-on-campus-fact-sheet.pdf>.

In New York State the work done by the Department of Health's Tobacco Control program has successfully lowered smoking rates across age groups. The program has also been instrumental in the implementation of several key policies such as the Clean Indoor Air Act and the increases in cigarette excise taxes. The Tobacco Control program also operates a statewide Quitline and 19 Cessation Centers located throughout the state. For more information please visit the New York State Department of Health Tobacco Control Program website at: http://www.health.state.ny.us/prevention/tobacco_control/

Although New York State continues to lead the way in policies and programs that promote smoking cessation further work and continual support of the state Department of Health's Tobacco Control program will ensure that tobacco use rates will continue to decline for both adults and adolescents. The NYS Cancer Consortium efforts are underway to support tobacco control in NYS with the development of the newly defined refocus areas. To become involved in the Cancer Consortium's Tobacco Control work group please contact

References

- Jemal A, Siegal, R, Ward E, Murray T, Xu J, Thun MJ. Cancer statistics, 2007. *CA Cancer J Clin.* 2007;57(1):43-66
- States Mokdad AH, Marks JS, Stroup DF, Gerberding JL. Actual causes of death in the United States, 2000. *JAMA* 2004; 291 (10): 1238-1246.
- Tauras J, et al. Effects of Price and Access Laws on Teenage Smoking Initiation: A National Longitudinal Analysis, Bridging the Gap Research, ImpacTeen. April 24, 2001.
- NYS Public Health Law 1399: <http://www.nysl.nysed.gov/libdev/excerpts/pbh1399o.htm>.
- Centers for Disease Control and Prevention. Sustaining State Programs for Tobacco Control: Data Highlights 2006. Available at: http://www.cdc.gov/tobacco/data_statistics/state_data/data_highlights/2006/2006.htm.

