

African American Tobacco Control Leadership Council  
American Heart Association  
American Lung Association  
American Nurses Association - New York  
Campaign for Tobacco-Free Kids  
New York Chapter American College of Physicians Services  
New York Public Interest Research Group  
Roswell Park Comprehensive Cancer Center  
Stan Martin Consulting, LLC

**JOINT MEMO IN OPPOSITION**  
**S.2133 (J. Ramos)/ A.5284-A (P. Ramos)**

**The above-listed organizations strongly oppose legislation S.2133 (J. Ramos)/ A.5284-A (P. Ramos) that would reverse New York's historic tobacco control successes and protect profits of the tobacco industry over the public health of New Yorkers.**

Currently, New York State imposes a 75% excise tax on the wholesale price of cigars. This bill would create a flat tax cap of 50 cents on premium cigars. We are very concerned that reducing the tax, and therefore the total cost, will increase smoking rates and encourage new tobacco users, as a [2006 study](#) found that **tobacco tax cuts are significantly associated with higher smoking initiation**. This legislation would also discourage cessation and overall is contradictory to New York State's Tobacco Control Program goals.

Creating a flat tax on cigars and capping the rate is **a tactic of Big Tobacco to undermine tobacco taxation**. Cigars are sold in packs of different units and can be different sizes and weights – cigar tax rates should remain set as a percentage of their price. Expensive brands of cigars would be severely undertaxed and as stated by the [Campaign for Tobacco-Free Kids](#), this would essentially just be a subsidy for smokers buying those products. Further, conforming to nearby states that have lower taxes on cigars, which the sponsors of this bill mention as justification, is not a trend New York State should follow as a national leader in tobacco control policy. A [2016 study](#) analyzing data and experiences from several countries **disproved** the idea that increased tobacco taxes lead to more evasion and smuggling and reiterate that **this is an argument developed by the tobacco industry**.

Tobacco consumption has been on a decline for years in New York among both youth and adults largely because of high tobacco taxes and comprehensive tobacco prevention and cessation programs. However, tobacco use must continue to be addressed, as more than 28,200 adult New Yorkers die each year from smoking-related illness. Further, smoking-attributable [healthcare expenditures](#) are \$12.07 billion per year – about \$7.12 billion of which is paid by Medicare and Medicaid. Additionally, [cigars pose the same risk for oral, throat, and esophageal cancer](#) to individuals as cigarettes do – 26.7 percent of all cancer deaths in New York are attributable to smoking. This legislation would have long-term negative effects on public health and increase the economic burden of smoking in New York.

**We strongly oppose this legislation and urge that it be defeated to protect New York's strong, lifesaving, tobacco control policies and to protect people, not the profits of the tobacco industry.**