



March 7, 2024

Dear Chair Amabile and Members of Business Affairs & Labor Committee,

On behalf of Children's Hospital Colorado, the patients and families, and communities we serve, I am writing to respectfully ask for your vote in support of **SB24-022 Regulate Flavored Tobacco Products** that will ensure a board of county commissioners has the explicit authority to regulate tobacco and other nicotine products.

We believe this authority for county commissioners will positively impact the health, well-being, and quality of life for youth across Colorado as it will provide one more tool to protect young people from initiating smoking and vaping, which often starts with flavored tobacco and nicotine products.

Flavored tobacco products continue to play a substantial role in attracting youth to start using tobacco and nicotine products. Flavors disguise the taste and the harshness of tobacco, making them more appealing and easier for beginners to try. According to the National Youth Tobacco Survey, in 2023, 90.3% of high school students and 87.1% of middle school students who used e-cigarettes in the past 30 days reported using a flavored e-cigarette during that time. For youth who report using e-cigarettes, nearly 85% use a flavored product. Kid-friendly and common flavors like mint and strawberry can create the false impression that a tobacco product is less harmful than it really is. Flavored e-cigarettes contain nicotine, the highly addictive chemical that makes it easy to get hooked on tobacco and difficult to quit.

Highly addictive nicotine has damaging effects on kids' health, including harming the development of parts of the brain that control attention, learning, mood and impulse control. E-cigarettes contain a disturbing amount nicotine and chemicals, some that can cause cancer, and oils – all of which are bad for kids and their lungs. This is why it's so critically important for decision makers at all level of governments to have tools available to them to protect youth from initiating and using tobacco and nicotine products.

Thank you for your continued support of the health and wellbeing of Colorado kids. In this effort I encourage you to vote in favor of SB24-022 to provide boards of county commissioners with the explicit authority to regulate tobacco and nicotine products.

Sincerely,

Ellen Stern  
Director of Government Affairs  
Children's Hospital Colorado

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**Testimony before the Colorado House Business Affairs and Labor Committee  
Regarding Local Authority Over Regulating Vapor Products  
Lindsey Stroud, Senior Fellow  
Taxpayers Protection Alliance  
March 7, 2024**

Chairwoman Amabile, Vice Chairwoman Ricks, and Members of the Committee:

Thank you for your time today to discuss taxing and regulating vapor products in Colorado. 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.

Many supporters of localized control of age-restricted consumer products purport those local policies will reduce youth vapor product use. Rather than allowing localities to impose draconian regulatory policies that would essentially prohibit adult access in that locality and incentivize a black market, state lawmakers should utilize existing tobacco monies to fund robust tobacco control programs to reduce you use of age-restricted products.

**Key Points:**

- Localized flavor bans have not reduced youth tobacco use. Despite several states implementing local flavored tobacco and vapor bans, youth vaping increased between 2017 and 2019.
- Localized restrictions on consumer goods create incentives for black market actors to profit from illicit unregulated products.
- Youth vapor product use has decreased significantly in recent years.
- Between 2019 and 2021, the percent of Colorado high schoolers who had ever-used an e-cigarette decreased by 19.9 percent, the percent of students currently vaping decreased by 36 percent, and daily e-cigarette use decreased by 35.2 percent.
- In 2022, 383,821 Colorado adults (8.3 percent) were currently using e-cigarettes. This is a 22.1 percent increase from 2021 and represents 73,155 additional adults vaping.
- In 2022, of adults currently using e-cigarettes, more than half (50.2 percent) were between 25 and 44 years old.
- Among Colorado adults using e-cigarettes in 2022, 51.6 percent were formerly smoking while 29.8 percent were currently smoking.
- 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.
- Since at least 2017, Colorado high school students are not citing flavors as a main reason for e-cigarette use.

- In 2021, nearly half (46.7 percent) of Colorado high school students who were currently vaping cited using them because a friend and/or family member had. Less than one-fourth (22.6 percent) cited using e-cigarettes because of flavors.
- 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.
- Colorado youth are facing a mental health crisis, which is reflected in why youth are using e-cigarettes.
- The percent of Colorado high school students who reported persistent feelings of sadness and/or hopelessness increased by 23.4 percent.
- The percent of Colorado high school students who reported attempting suicide increased by 70 percent.
- 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.
- Colorado retailers do a good job in not selling e-cigarette products to youth and minors.
- Between 2018 and 2023, sales of e-cigarette products to minors made up only 3.1 percent of compliance check inspections, and 30.6 percent of products cited for violations.
- Only 15.5 percent of specialty tobacco and vapor product retailers were cited among all e-cigarette violations.
- The small vapor industry is already in decline and flavor bans and exorbitant taxes will shutter small businesses in the Centennial State.
- Between 2021 and 2023, the economic impact of small vapor in Colorado decreased by 33.2 percent and represents an economic loss of more than \$121.7 million.
- In 2023, small vapor's total economic impact was estimated to be more than \$244.9 million.
- Colorado should allocate more of existing tobacco monies towards tobacco control programs including cessation, education, and prevention efforts.
- Colorado collected more than \$353.5 million in tobacco-related monies in 2022, yet the state allocated only \$23.1 million in state funding towards tobacco control programs.
- In 2022, for every \$1 the Centennial State received in tobacco monies, it spent only \$0.06 on tobacco control efforts.
- Colorado collected an estimated \$189.7 million in tobacco-related monies in 2022, yet the state allocated only \$400,000 in state funding towards tobacco control programs, which was a 0 percent change in funding from 2021's levels.
- In 2022, for every \$1 the Centennial State received in tobacco monies, it spent less than \$0.01 on tobacco control efforts.

## **Effects of Local Tobacco/Vapor Regulation on Youth Use**

Many proponents of localized authority over the regulation of both tobacco and vapor products claim that localities such as cities and counties are better equipped to reduce youth use of tobacco and vapor products. Despite this claim, in states with local flavor bans and taxes, youth use of vapor products increased.

As of November 30, 2018, six states including California, Colorado, Illinois, Massachusetts, Minnesota, and New York had localities which had restricted sales of flavored tobacco and/or vapor products.<sup>1</sup>

Notably, Massachusetts was home to 136 localities that had passed flavor ban and despite these local regulations, statewide use of vapor products increased. In 2017, according to data from the Centers for Disease Control and Prevention's (CDC) Youth Risk Behavior Surveillance Survey (YRBSS), among high school students, 41.1 percent had ever tried e-cigarettes and 20.1 percent were current e-cigarette users. In 2019, even though nearly half of Massachusetts' localities had restricted flavored tobacco and vapor sales, ever e-cigarette use had increased by 23.4 percent, to 50.7 percent of high school students and current use increased by 60.2 percent to 32.2 percent of high school students being current e-cigarette users.

Localities have also seen an increase in youth vapor product use despite local restrictions in place. Contra Cost County, California had banned the sale of flavor tobacco and vapor products in certain localities in the county and experienced an increased in youth vaping rates. While the 2015-16 California Youth Tobacco Survey (CYTS) included other localities including Marin, San Francisco, San Mateo and Solana, the 2017-2018 CYTS survey reported only on Contra Costa. In 2015-16, 8.3 percent of high school students in the various localities reported current use of electronic cigarettes and vaping devices.<sup>2</sup> In the 2017-18 CYTS survey of solely Contra Costa County high school students, this number *increased* to 17.2 percent reporting current e-cigarette use.<sup>3</sup>

Tobacco and vapor product restrictions also create incentives for criminal enterprises to profit from illicit banned products, especially when one locality is imposing such restrictions while others are not.

For example, Cook County, Illinois (which includes the City of Chicago) is notorious for its excessive county (and city) excise tobacco tax. In fact, due combat the illicit cigarette market, Cook County has implemented the Cigarette Tax Reward Program, which offers monetary awards of up to \$250 to persons reporting those seeking to avoid paying cigarette taxes, including people who use unstamped or counterfeit packs or even stray cigarettes.<sup>4</sup> It has been reported that Chicago police issue an estimated \$4 million worth of tobacco citations each year, however, only 15–20 percent are actually paid.<sup>5</sup>

In February 2020, WGN-TV followed Chicago's Department of Business Affairs and Consumer Protection as agents "searched for illegal cigarettes in stores through" the city.<sup>6</sup> In 2019, the department "issued \$838,000 worth of fines for illegal tobacco sales." Agents told WGN-TV News that there is "a direct link between unstamped cigarettes and crime in [Chicago] neighborhoods."

The black market is so lucrative that in 2016 city council hearing, Chicago Alderman Roderick Sawyer "said he knows one man who makes \$800 a day selling" loose cigarettes.<sup>7</sup>

Although localities mean well, allowing restrictive local policies that do not match surrounding localities or the rest of the state will not reduce youth use of age restricted products and will help create incentives for black markets.

### **Youth Vaping Is Declining In Colorado**

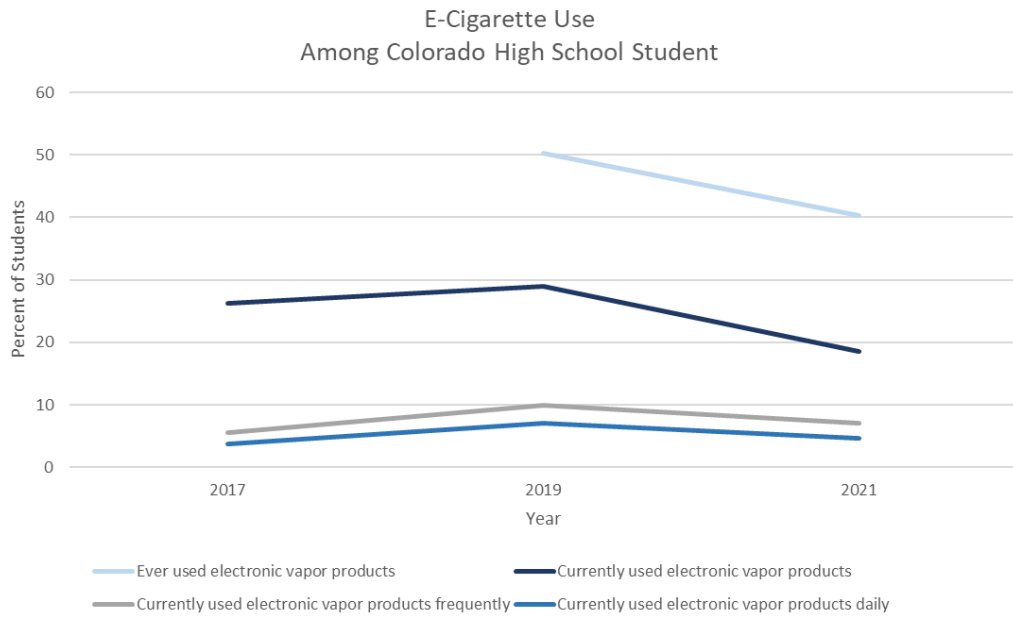
Many lawmakers who continue to introduce legislation to combat youth use of e-cigarettes may be unaware that youth vaping has declined significantly in the Centennial State.

In 2021, among Colorado high school students:

- 40.3 percent had ever tried an e-cigarette
- 18.5 percent were currently using e-cigarettes (defined as having used the product on at least one occasion in the 30 days prior)
- Seven percent were using e-cigarettes frequently (20 or more days in the past 30 days)
- 4.6 percent were using e-cigarettes daily

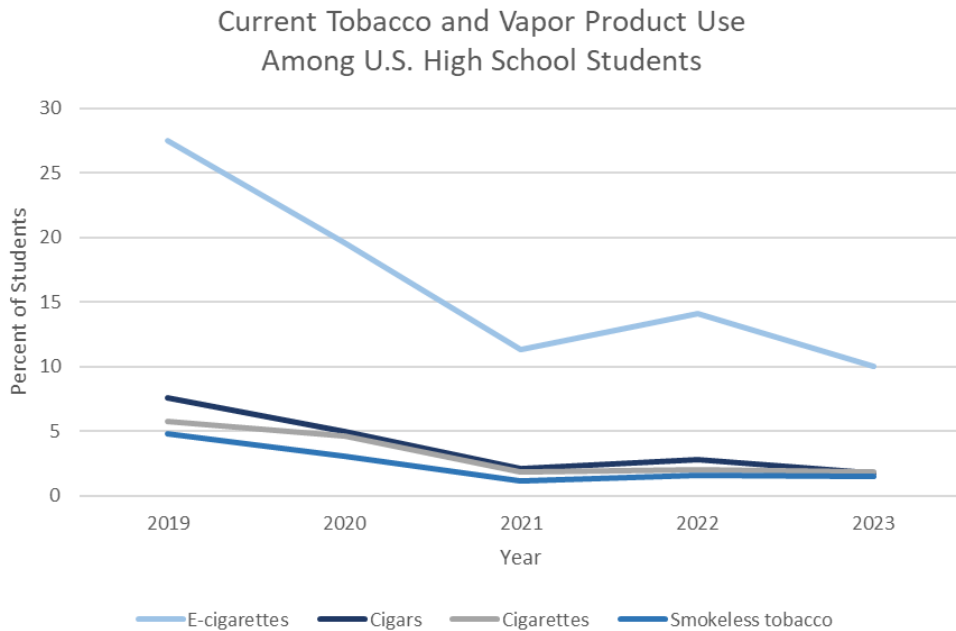
These are significant declines from 2019. Between 2019 and 2021:

- Current use of e-cigarettes decreased by 36 percent
- Daily e-cigarette use decreased by 35.2 percent.
- Frequent use of e-cigarettes decreased by 29.3 percent
- Ever-use of e-cigarettes decreased by 19.9 percent



Vaping has also decreased nationally.

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.



## Colorado Adults Need Access to Safer Alternatives to Cigarettes

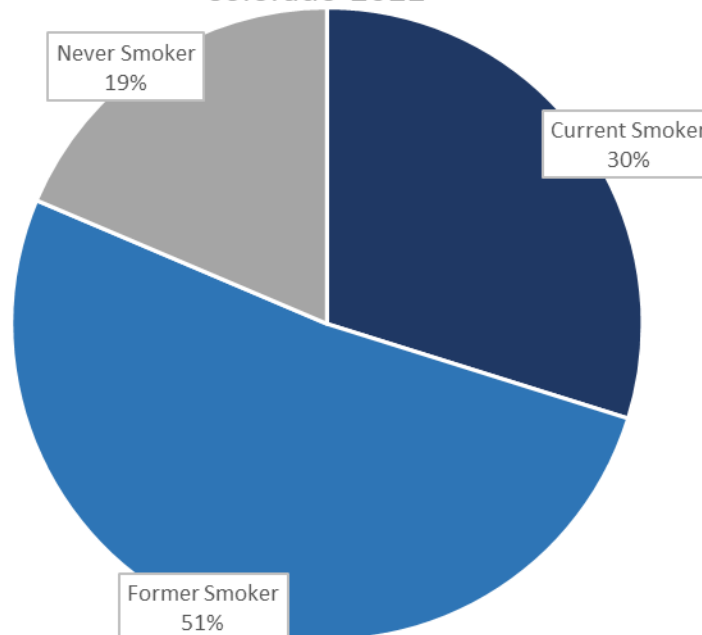
In 2022, according to the Centers for Disease Control and Prevention (CDC), an estimated 383,821 Colorado adults (or 8.3 percent) were currently using e-cigarettes.<sup>8</sup> This is a 22.1 percent increase from 2021 when 6.8 percent reported current e-cigarette use. There were an estimated 73,155 additional adults vaping in 2022 compared to 2021.

Among Colorado adults currently using e-cigarettes in 2022, 34.7 percent were 18 to 24 years old, 50.2 percent were 25 to 44 years old, 12.7 percent were 45 to 64 years old and 2.5 percent of current e-cigarette users in Colorado in 2022 were 65 years or older. Among adult e-cigarette users in Colorado in 2022, 65.3 percent were 25 years or older.

In 2022 (according to the CDC), among adult e-cigarette users aged 25 years or older:

- 51.6 percent were formerly smoking
- 29.8 percent were currently smoking
- 18.6 percent had never smoked

Smoking Status Among Adult E-Cigarette Users  
Colorado 2022



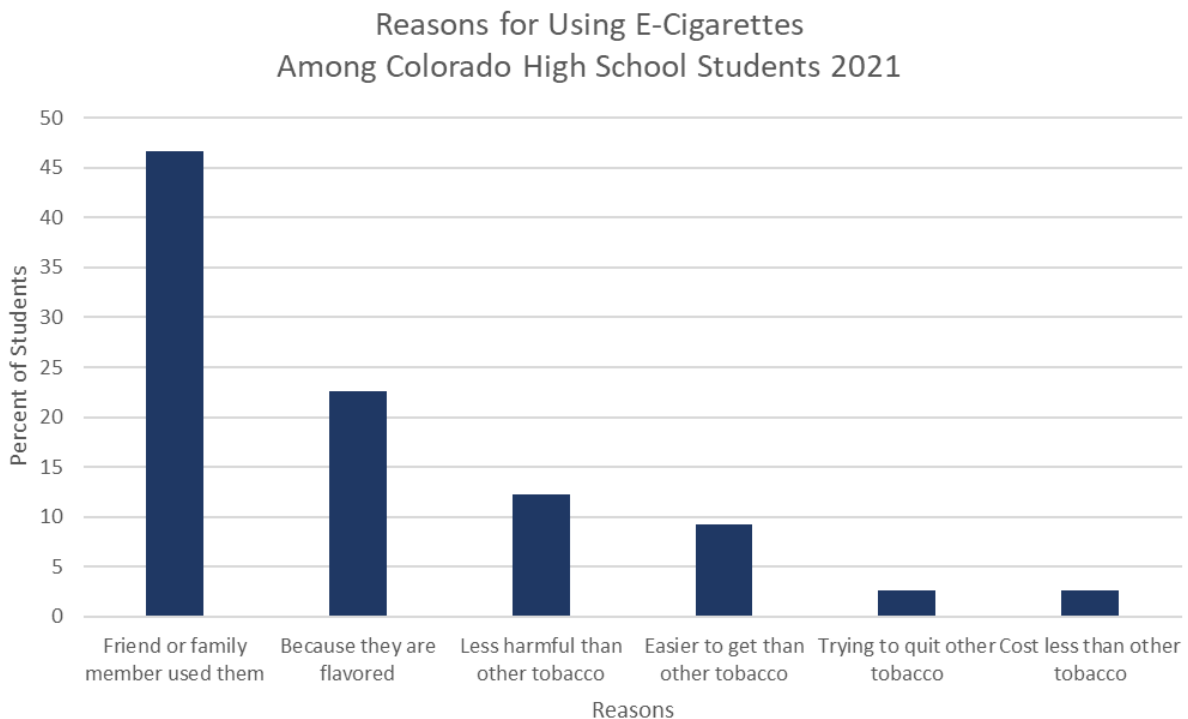
In an analysis of 323 Colorado adults aged 25 and over who were currently using e-cigarettes in 2022, the average number of years smoked was 19.4 years. While the total was alarming – 6,269 years of smoking, which would amount to more than 45.7 million cigarettes smoked (figuring for a pack-per-day habit).

### **Colorado (and U.S.) 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.

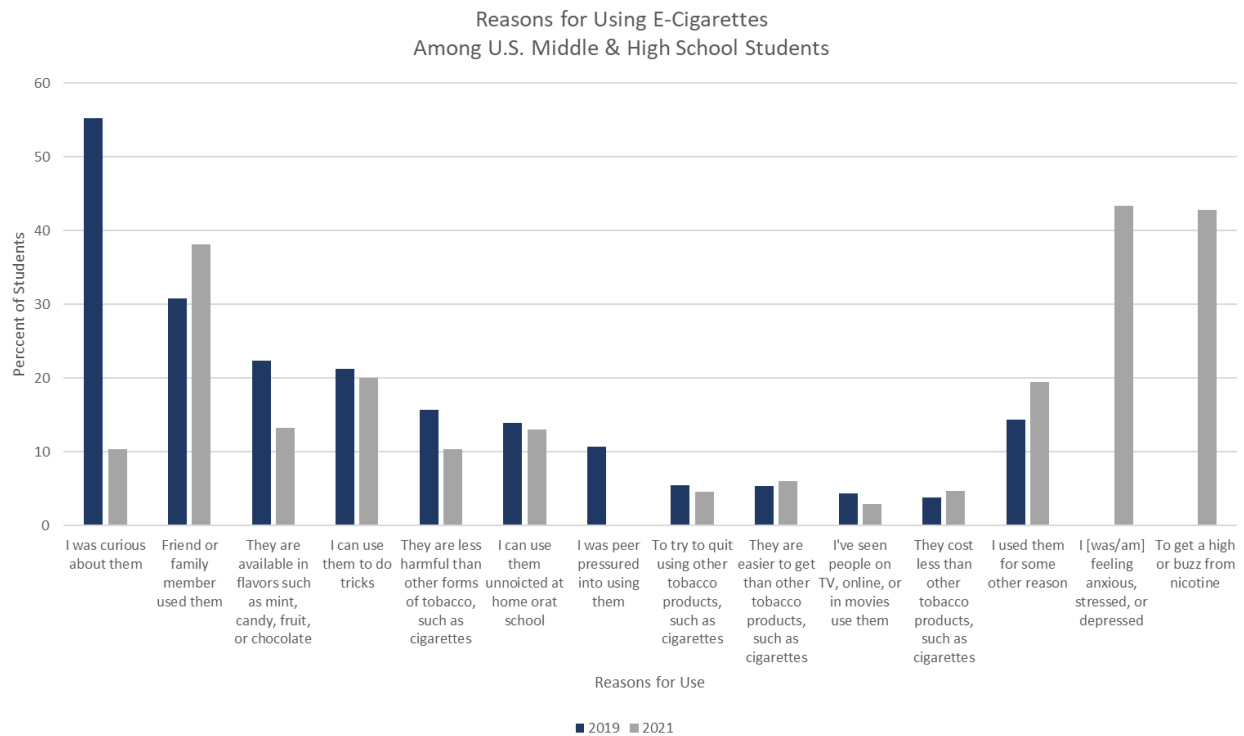
In 2021, according to the Healthy Kids Colorado Survey, among Colorado highschoolers:<sup>9</sup>

- Nearly half (46.7 percent) had used e-cigarettes because a friend and/or family member had used them
- Less than one-fourth (22.6 percent) cited flavors
- 12.2 percent had used them because they were “less harmful than other tobacco”
- 9.2 percent had used them because they were easier to get than other tobacco
- 2.6 percent had used them to quit other tobacco
- 2.6 percent had use them because they cost less than other tobacco



Nationally, youth are not using e-cigarettes because of flavors. According to the NYTS, in 2021, among U.S. middle and high school students who were currently using e-cigarettes in 2021:<sup>10</sup>

- 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



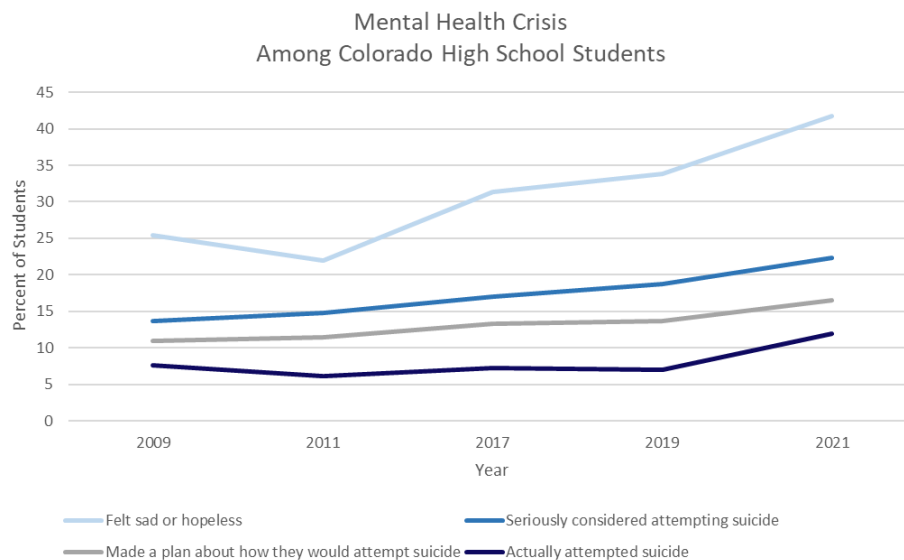
### Lawmakers Should Focus on Youth Mental Health Crisis

If lawmakers truly want to reduce youth e-cigarette use, they should focus on ways to improve mental health among youth. According to the 2021 YRBS, among Colorado high schoolers:<sup>11</sup>

- 41.7 percent reported persistent feelings of sadness and/or hopelessness.
- 22.3 percent had “considered attempting suicide.”
- 16.5 percent had “made a plan about how they would attempt suicide.”
- 11.9 percent had actually attempted suicide.

These are some of the highest levels of youth mental health distress recorded in the Centennial State, with significant increases in recent years. Between 2019 and 2021, among Colorado high school students:

- The percent of students who actually attempted suicide increased by 70 percent.
- The percent of students reporting persistent feelings of sadness and/or hopelessness increased by 23.4 percent.
- The percent of students who had “made a plan about how they would attempt suicide” increased by 20.4.
- The percent of students who had “considered attempting suicide” increased by 18.6 percent.



## Flavors Play Important Role in Adult E-Cigarette Use

Flavors provide a unique benefit for adults 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.”<sup>12</sup> 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.”<sup>13</sup> 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.

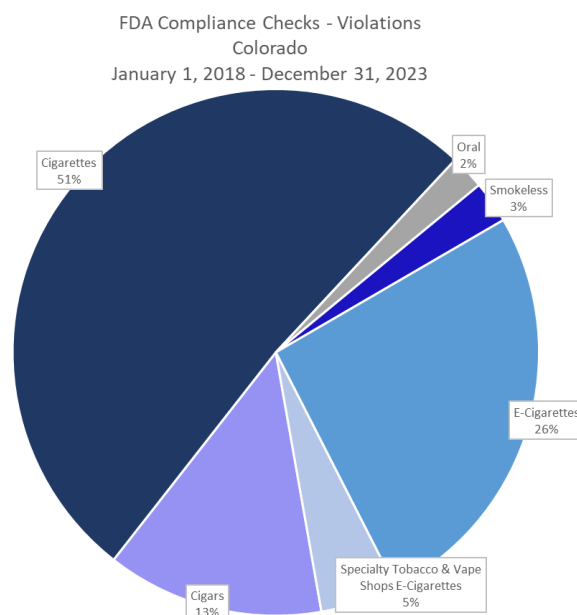
A 2020 study found an association between flavors and smoking cessation. In a cohort study of more than 17,900 participants, the authors found that “adults who began vaping nontobacco-flavored e-cigarettes were more likely to quit smoking than those who vaped tobacco flavors.”<sup>14</sup>

### **Retailers and Specialty Tobacco and Vape Shops Already Do Good Job In Preventing Underage Sales**

The U.S. Food and Drug Administration (FDA) routinely sends underaged persons into tobacco and vapor product retailers in attempts to purchase tobacco and vape products. Between January 1, 2018 and December 31, 2023, the FDA conducted 17,031 inspections for Colorado retailers, which resulted in 1,711 violations (i.e., sales to minors), or a 10 percent failure rate.

These violations included the following sales to minors:

- 878 cigarette purchases
- 523 e-cigarette purchase
- 228 cigar purchases
- 44 smokeless tobacco purchases
- 36 oral nicotine product purchases
- Two hookah purchases





E-cigarette violations made up only 3.1 percent of all inspections, and 30.6 percent of all violations.

Of the inspections, FDA conducted approximately 757 inspections on retailers in the state which had “vap” or “smok” in the retail establishment’s name. Of those, 101 resulted in violations, which was a 0.6 percent failure rate to total inspections and a 5.9 percent failure rate among all violations.

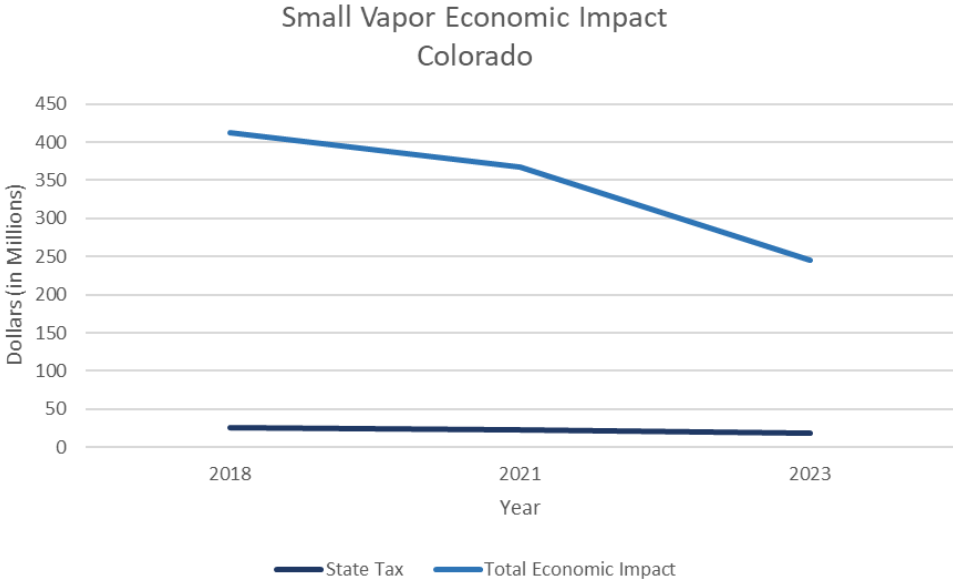
Of the specialty tobacco and vape shops who were inspected by the FDA, 81 were cited with violations for selling e-cigarettes to minors. Vape and smoke shops made up only 15.5 percent of retailers who were cited for selling e-cigarettes to minors in Colorado between January 2018 and December 2023.

**Legislation Will Shutter Small Business in the Centennial State**

Moreover, banning flavors will shutter small vapor in Colorado – and wipe out the economic benefits vaping provides to the state.

According to the Vapor Technology Association (VTA), in 2023, the vapor industry provided more than \$34.5 million in wages related to vaping jobs.<sup>15</sup> In 2023, the vape industry provided more than \$18 million in state taxes to Colorado. In fact, VTA estimates vapes total economic impact to the state in 2023 to be more than \$244.9 million. Allowing localities to restrict sales of flavored vapor products will greatly impact the industry’s economic impact.

It should be noted that small vapor is already suffering in the Centennial State. In fact, the total economic impact of Colorado’s small vaping industry decreased by 33.2 percent between 2021 and 2023, representing a loss of more than \$121.7 million in economic output.



## **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.”<sup>16</sup> 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.”<sup>17</sup>

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.”<sup>18</sup>

In the United Kingdom, 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.<sup>19</sup> PHE has found that “vaping poses a small fraction of the risks of smoking.”<sup>20</sup> Last year, the UK government gave away 1 million free e-cigarette products in a campaign to reduce smoking rates.<sup>21</sup>

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.”<sup>22</sup>

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.

## **Colorado 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.

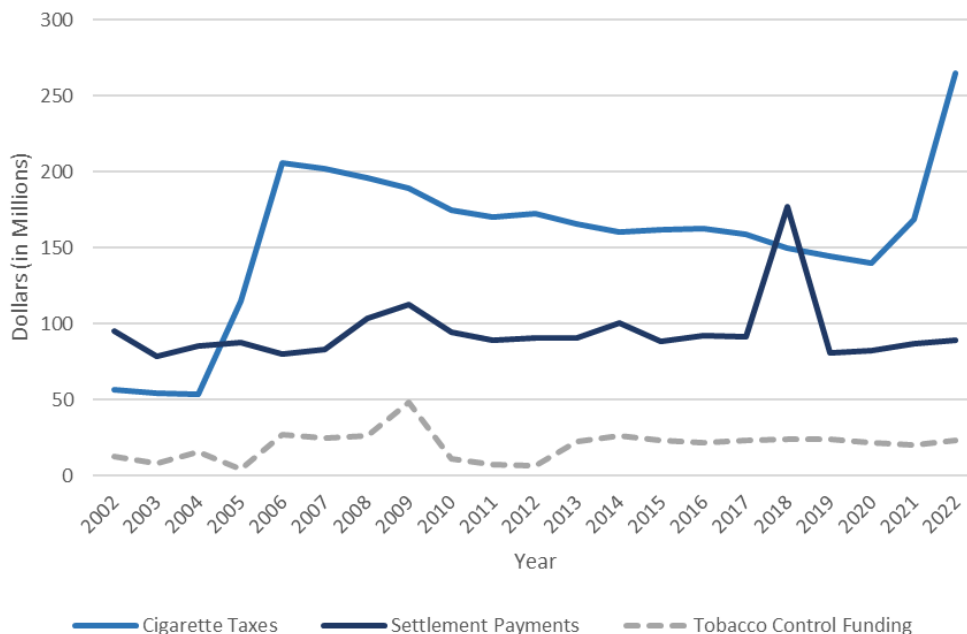
In 2022, the Centennial State collected \$264.7 million in state excise tax revenue from combustible cigarettes.<sup>23</sup> This was a 57 percent increase from 2021’s \$168.6 million, or \$96.1 million less. Between 2002 and 2022, Colorado collected more than \$3.2 billion in cigarette taxes.

Since 2000 Colorado collected annual payments from tobacco manufacturers based on the percentage of cigarettes and tobacco products sold in the state in that year. Colorado collected \$88.8 million in settlement payments in 2022, a 2.6 percent increase from 2021’s \$86.6 million, or an additional \$2.2 million. Since 2002 the Centennial State collected more than \$1.9 billion in tobacco settlement payments.

While Colorado collected more than \$353.5 million in tobacco-related monies in 2022, the state allocated only \$23.1 million in state funding towards tobacco control programs, including cessation, education, and youth prevention efforts, which was a 15.5 percent increase in funding from 2021’s \$20 million. This amounts to 8.7 percent of taxes and 26 percent of settlement payments. In 2022, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.

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

Colorado Tobacco Monies



**Conclusion**

With youth vaping having consistently declined in recent years, allowing communities to ban the sale of flavored vapor products ignores these declines. Moreover, lawmakers should understand that many Colorado adults use e-cigarettes to remain smoke-free and should resist policies which would restrict access to those products.

- <sup>1</sup> Laura Bach, “States & Localities That Have Restricted the Sale of Flavored Tobacco Products,” Campaign for Tobacco-Free Kids, November 30, 2018. Archived. <https://web.archive.org/web/20190107102745/https://www.tobaccofreekids.org/assets/factsheets/0398.pdf>. Accessed February 5, 2022.
- <sup>2</sup> Shu-Hon Zhu, Ph.D., *et al.*, “California Youth Tobacco Survey 2015-16: Results of the Statewide Student Survey, Grades 8, 10, and 12,” Center for Research Intervention in Tobacco Control, University of California, San Diego, <https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/Reports/CSTS%2015-16%20Report%20FINAL.pdf>.
- <sup>3</sup> Shu-Hong Zhu, Ph.D., *et al.*, “Results of the Statewide 2017-18 California Student Tobacco Survey,” Center for Research Intervention in Tobacco Control, University of California, San Diego, <https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/Reports/2017-18CaliforniaStudentTobaccoSurveyBiennialReport.pdf>.
- <sup>4</sup> Cook County Department of Revenue, “Cook County – The Cigarette Tax Reward Program,” <https://apps.cookcountyil.gov/dor/index.php>.
- <sup>5</sup> “Cook County Cracking Down on Illegal Cigarette Sales,” CBS News Chicago, February 11, 2014, <https://chicago.cbslocal.com/2014/02/11/cook-county-cracking-down-on-illegal-cigarette-sales/>.
- <sup>6</sup> Lourdes Duarte, “Inside Chicago’s war on illegal cigarettes,” WGN News, February 19, 2020, <https://wgntv.com/news/wgn-investigates/inside-chicagos-war-on-illegal-cigarettes/>.
- <sup>7</sup> Chris Lentino, “New Cigarette Tax Will Lead to More Black Market Sales and Violence, Alderman Say,” Illinois Policy, February 9, 2016, <https://www.illinoispolicy.org/chicago-aldermen-revolt-against-mayor-on-increasing-citys-cigarette-tax/>.
- <sup>8</sup> Lindsey Stroud, “Tobacco & Vaping 101: Colorado,” *Taxpayers Protection Alliance*, Jan. 18, 2024, <https://www.protectingtaxpayers.org/analysis/tobacco-vaping-101-colorado-4/>.
- <sup>9</sup> Colorado Department of Public Health and Environment, “2021 HKCS Reports,” Healthy Kids Colorado Survey, <https://drive.google.com/drive/folders/1k4it0B9PGOHzzYblusGat9f7XiipC1t6>. Accessed March 1, 2024.
- <sup>10</sup> 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>.
- <sup>11</sup> Centers for Disease Control and Prevention, *supra* note 2.
- <sup>12</sup> 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>.
- <sup>13</sup> Consumer Advocates for Smoke-free Alternatives Association, “ECigintelligence User Survey 2019,” August 25, 2020, <https://casaa.org/ecigintelligence-user-survey-2019/>.
- <sup>14</sup> 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/>.
- <sup>15</sup> Vapor Technology Association, “The Economic Impact of the Vapor Industry 2021 – Colorado,” 2023, <https://vta.guerrillaeconomics.net/reports/cd8e5302-9e30-4501-8879-f0ebefb1a21d?>
- <sup>16</sup> 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>.
- <sup>17</sup> 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>.
- <sup>18</sup> 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](https://www.cdc.gov/tobacco/basic_information/e-cigarettes/about-e-cigarettes.html).
- <sup>19</sup> 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..>

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<sup>20</sup> 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-main-findings>.

<sup>21</sup> 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>

<sup>22</sup> 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>.

<sup>23</sup> Lindsey Stroud, *supra* note 8.

# Tobacco & Vaping 101:

## Colorado 2024

Lawmakers are often bombarded with misinformation on the products used by adults in their state. This annual analysis provides up-to-date data on the adults who use cigarettes and e-cigarette products in the Centennial State. This information also includes data on youth use, impacts of e-cigarettes and analyses of existing tobacco monies.

### Key Points:

- In 2022, an estimated 494,806 adults (10.7 percent) were currently smoking. This is a 10.8 percent decrease from 2021 and represents 53,428 fewer adults smoking.
- In 2022 (among all Colorado adults), 7.1 percent of 18- to 24-year-olds, 13.1 percent of 25–44-year-olds, 11.9 percent of 45–64-year-olds, and 6.8 percent of adults aged 65 years or older were currently smoking combustible cigarettes.
- Among all adults earning \$25,000 or less in 2022, 22.1 percent were currently smoking compared to only 5.9 percent of adults earning \$50,000 or more.
- Among all smoking adults in Colorado in 2022, 61.3 percent were White, 24.7 percent were Hispanic, 6.4 percent were Black, four percent were American Indian/Alaska Native, 2.4 percent were Multiracial (non-Hispanic), and 1.1 percent were Asian.
- In 2022, 383,821 Colorado adults (8.3 percent) were currently using e-cigarettes. This is a 22.1 percent increase from 2021 and represents 73,155 additional adults vaping.
- Among all vaping adults in Colorado in 2022, 34.7 percent were 18 to 24 years old, 50.2 percent were 25 to 44 years old, 12.7 percent were 45 to 64 years old and 2.5 percent were 65 years or older.
- In 2021, for every one Colorado high school student who was smoking, more than 43 adults were currently using cigarettes.
- In 2021, for every one Colorado high school student who was vaping, more than six adults were currently using e-cigarettes.
- The introduction of e-cigarettes has not led to increases in cigarette smoking, but rather, correlates with significant declines in smoking rates among young adults.
- Between 2018 and 2022, smoking rates among Colorado adults aged 18 to 24 years old decreased by 51.7 percent.
- Cigarette excise taxes in Colorado disproportionately impact low-income and low-educated persons, while failing to significantly reduce smoking rates among that class.
- The percentage of Colorado adults earning \$25,000 or less that were smoking decreased by 18.6 percent between 2002 and 2022, while the percent of adults earning \$50,000 or more that were smoking decreased by 60.9 percent during the same period.
- Among Colorado adults who did not graduate high school, smoking rates decreased by 41 percent, and rates among adults with a college degree decreased by 64.9 percent.
- Colorado woefully underfunds programs to prevent youth use of tobacco and/or vapor products and help adults quit smoking, while simultaneously receiving millions of dollars from the pockets of the adults who smoke. In 2022, for every \$1 the state received in tobacco monies, it spent \$0.06 on tobacco control efforts.

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### Adult Combustible Cigarette and E-Cigarette Use

In 2022, according to data from the annual Behavioral Risk Factor Surveillance System survey, conducted by the Centers for Disease Control and Prevention, an estimated 494,806 adults (or 10.7 percent of Coloradans) were currently smoking. This is a 10.8 percent decrease from 2021 when 12 percent reported current cigarette use. There were 53,428 fewer adults smoking in 2022 compared to 2021.

In 2022 (among all Colorado adults), 7.1 percent of 18- to 24-year-olds, 13.1 percent of 25–44-year-olds, 11.9 percent of 45–64-year-olds, and 6.8 percent of adults aged 65 years or older were currently smoking combustible cigarettes.

Among all adults earning \$25,000 annually or less in 2022, nearly one-quarter (22.1 percent) reported currently smoking, compared to only 5.9 percent of adults who earned \$50,000 or more per year.

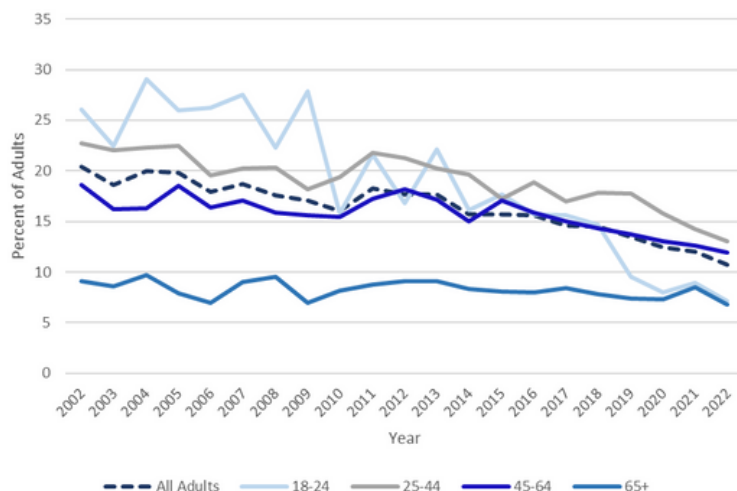
In Colorado, American Indian/Alaska Native adults reported smoking at a greater percentage of their identified race at 25.2 percent. This is compared to 17.8 percent of Black adults, 13.6 percent of Hispanic adults, 9.6 percent of White adults, 7.4 percent of Multiracial (non-Hispanic) adults, and 3.3 percent of Asian adults.

Yet, White adults made up a significantly larger percentage of Colorado’s total adult smoking population. In 2022, White adults accounted for 61.3 percent of Colorado’s current smoking population, compared to American Indian/Alaska Native adults, who made up only four percent. Hispanic adults made up 24.7 percent, Black adults accounted for 6.4 percent, Multiracial (non-Hispanic) made up 2.4 percent, and Asian adults accounted for 1.1 percent of Colorado’s adult smoking population in 2022.

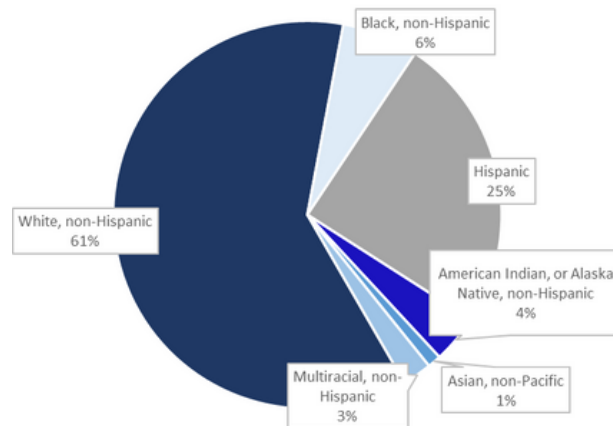
In 2022, an estimated 383,821 Colorado adults (or 8.3 percent) were currently using e-cigarettes. This is a 22.1 percent increase from 2021 when 6.8 percent reported current e-cigarette use. There were an estimated 73,155 additional adults vaping in 2022 compared to 2021.

Among Colorado adults currently using e-cigarettes in 2022, 34.7 percent were 18 to 24 years old, 50.2 percent were 25 to 44 years old, 12.7 percent were 45 to 64 years old and 2.5 percent of current e-cigarette users in Colorado in 2022 were 65 years or older. Among adult e-cigarette users in Colorado in 2022, 65.3 percent were 25 years or older.

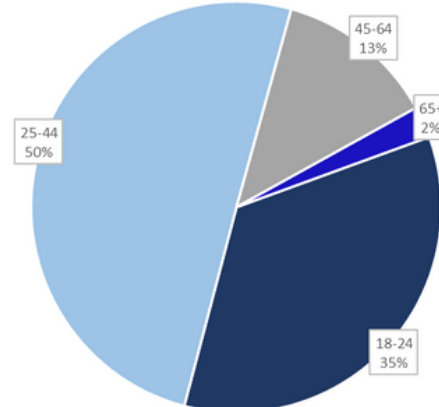
Adult Smoking Rates by Age  
Colorado



Percent of Adults Who Smoke, by Race  
Colorado 2022



Percent of Adults Who Vape, by Age  
Colorado 2022



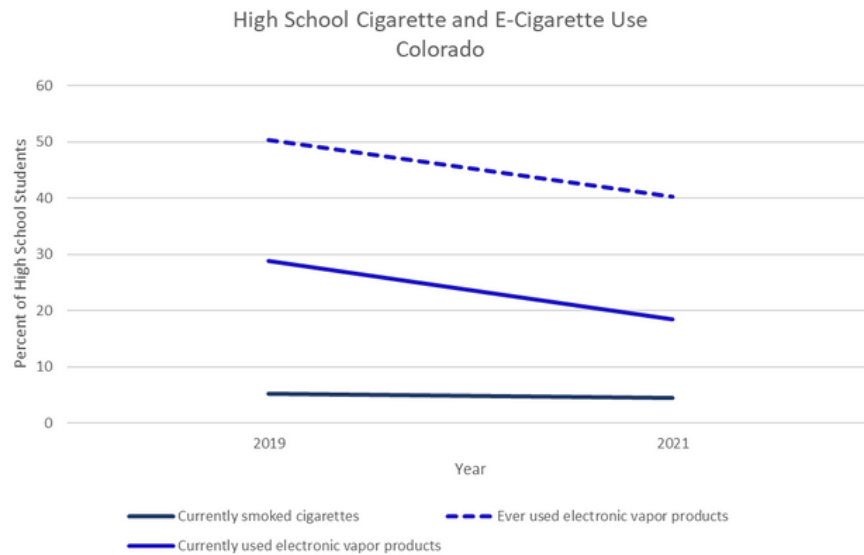
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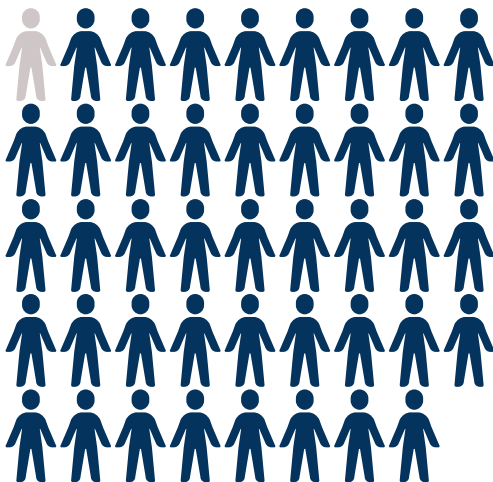
### Youth Combustible Cigarette and E-Cigarette Use

Youth smoking rates are at historic lows in the Centennial State. In 2021, 4.5 percent reported currently smoking, or having used the product on at least one occasion in the 30 days prior. In 2021, approximately 12,593 Colorado high school students were smoking, compared to an estimated 548,234 Colorado adults aged 18 and over who were currently smoking. For every one high schooler student smoking in 2021 in Colorado, more than 43 adults were currently smoking.

Youth vaping peaked in the Centennial State in 2019 when more than half (50.3 percent) of Colorado high school students reported having ever used an e-cigarette and more than one-fourth (28.9 percent) reported current use. Between 2019 and 2021, lifetime e-cigarette use among Colorado high schoolers declined by 19.9 percent to 40.3 percent of students. Current use decreased by 36 percent to 18.5 percent of Colorado high school students. In 2021, approximately 51,770 Colorado high school students were vaping, compared to 310,666 Colorado adults aged 18 and over who were currently vaping. For every one high schooler vaping in 2021 in Colorado, more than six adults were using e-cigarettes.



### Youth to Adult Smoking Ratio Colorado 2021



### Youth to Adult Vaping Ratio Colorado 2021



**Key**

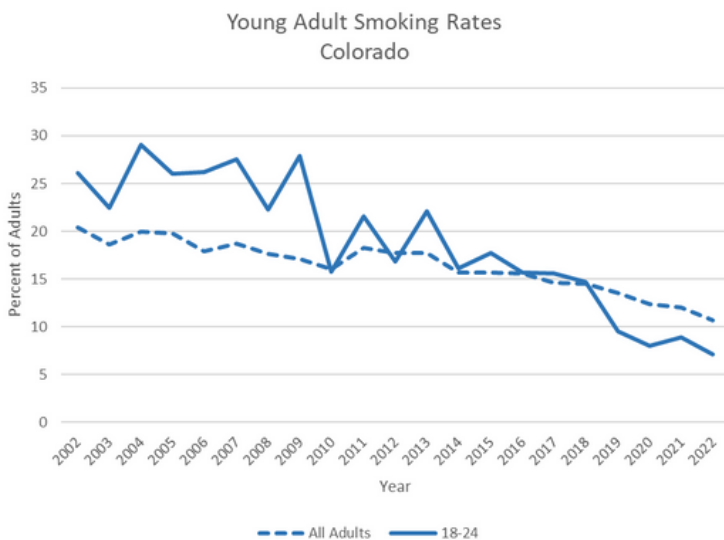
- = 1 High School Student
- = 1 Adult 18 years or older

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### Young Adult Cigarette Use

The introduction of e-cigarettes has not led to increases in young adult cigarette smoking, but rather, correlates with significant declines.



In 2012, e-cigarettes were available in every major U.S. market. That same year, 16.8 percent of Coloradans aged 18 to 24 years old were currently smoking. In 2018, public health purported a so-called “youth vaping epidemic,” and 14.7 percent of young adults in the Centennial State were smoking. Between 2012 and 2018, young adult smoking rates declined by 12.5 percent. Further, since 2018, young adult smoking rates have decreased another 51.7 percent, with average annual declines of 15 percent.

In 2016 (among 18- to 24-year-olds), 15.7 percent and 12.5 percent were currently using combustible cigarettes and e-cigarettes, respectively. Between 2016 and 2022, current cigarette use among young adults decreased by 54.8 percent while vapor product use increased by 96 percent.

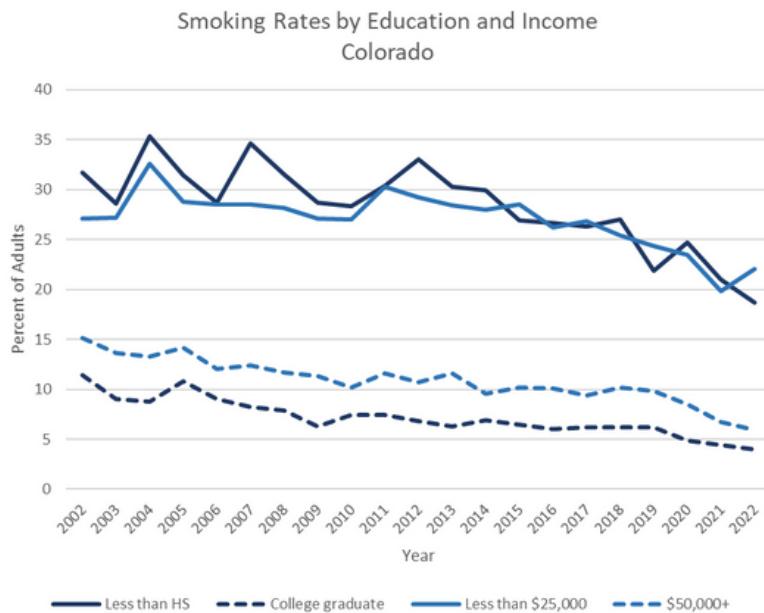
Given the epic lows in young adult smoking rates, lawmakers must refrain from policies that restrict access to alternatives to smoking.

### Effects of Cigarette Excise Taxes

Colorado last increased its state cigarette excise tax in 2021 from \$0.84 to \$1.94-per-pack. Lawmakers often justify excise taxes on cigarettes to deter persons from using combustible cigarettes. These taxes not only disproportionately harm lower income and lower educated adults, the taxes also fail to significantly reduce smoking rates among those persons.

The percent of Colorado adults earning \$25,000 or less that were smoking decreased by 18.6 percent between 2002 and 2022, while the percent of adults earning \$50,000 or more that were smoking decreased by 60.9 percent during the same period. Among Coloradans who did not graduate high school, smoking rates decreased by 41 percent, and rates among adults with a college degree decreased by 64.9 percent.

Lawmakers should refrain from enacting further increases in cigarette taxes given their disproportionate effect on low-income and low-educated persons, while failing to reduce smoking rates.



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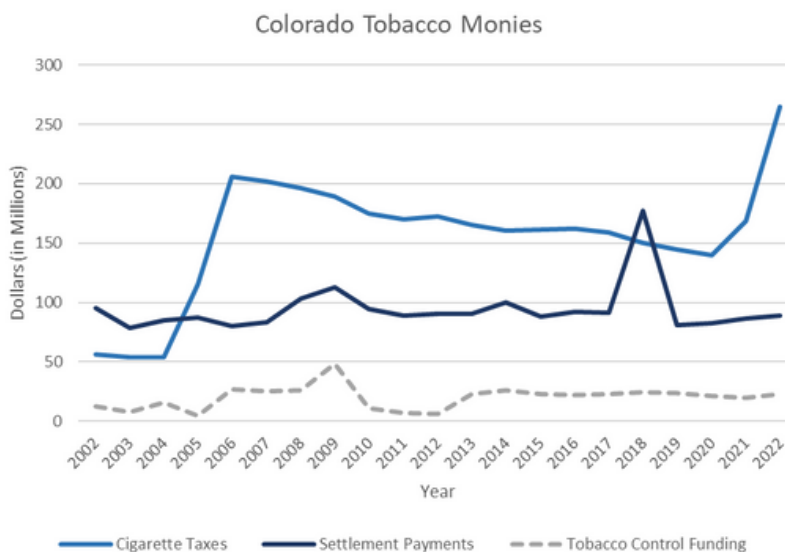
### Tobacco Monies

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 Centennial State collected \$264.7 million in state excise tax revenue from combustible cigarettes. This was a 57 percent increase from 2021's \$168.6 million, or an additional \$96.1 million. Between 2002 and 2022, Colorado collected more than \$3.2 billion in cigarette taxes.

Since 2000, Colorado has collected annual payments from tobacco manufacturers based on the percentage of cigarettes and tobacco products sold in the state in that year. Colorado collected \$88.8 million in settlement payments in 2022, a 2.6 percent increase from 2021's \$86.6 million, or an additional \$2.2 million. Since 2002, the Centennial State collected more than \$1.9 billion in tobacco settlement payments.

While Colorado collected more than \$353.5 million in tobacco-related monies in 2022, the state allocated only \$23.1 million in state funding towards tobacco control programs, including cessation, education, and youth prevention efforts, which was a 15.5 percent increase in funding from 2021's \$20 million. This amounts to 8.7 percent of taxes and 26 percent of settlement payments. In 2022, for every \$1 the state received in tobacco monies, it spent only \$0.06 on tobacco control efforts.



### References

1. Data on adult smoking rates comes from the Centers for Disease Control's Behavioral Risk Factor Surveillance Survey including sections on "Demographics - Race," Tobacco Use - All Categories," and "E-Cigarette Use." Accessed November, 2023. <https://www.cdc.gov/brfss/brfssprevalence/>.
2. Data on race and age was compiled using population data from the Annie E. Casey Foundation (<https://datacenter.kidscount.org/>) and Demographic data from the CDC to cross reference the racial population. Then, data from Smoking and Race, and E-Cigaretts and Age, was used to determine the percent of adults who were smoking in 2022.
3. Data on youth tobacco and vapor product use comes from the CDC's Youth Risk Behavior Survey, accessed in November, 2023. [https://www.cdc.gov/tobacco/data\\_statistics/surveys/nyts/index.htm](https://www.cdc.gov/tobacco/data_statistics/surveys/nyts/index.htm).
4. Data on tax information comes from Orzechowski and Walker, "The Tax Burden on Tobacco Historical Compilation Volume 57, 2022. Print.
5. Data on tobacco settlement payments is from Campaign for Tobacco-Free Kids, "Actual Annual Tobacco Settlement Payments Received by the States, 1998-2022." Accessed November, 2023. <https://www.tobaccofreekids.org/assets/factsheets/0365.pdf>.
6. Data on tobacco control funding is from Campaign for Tobacco-Free Kids, "Appendix A: A History of Spending for State Tobacco Prevention Programs," Accessed November, 2023. <https://www.tobaccofreekids.org/assets/factsheets/0209.pdf>.