

## Excluding Cigars from Tobacco Control Laws Risks Everyone's Long-Term Health

Cigars, cigarillos, and little cigars pose a real danger to the long-term health of all Americans – especially young people – yet government regulation of these products lags behind that of cigarettes and e-cigarettes.

Cigars are often excluded from evidence-based tobacco control measures including not being taxed at the same rate as cigarettes. These exclusions provide opportunity for the tobacco industry to take advantage of and aggressively market their deadly products to communities of color, limited income communities, LGBTQ+ people and youth. For instance, Black people are more than twice as likely to smoke cigars compared to White people.<sup>i</sup> Since regular cigar smoking increases the risk of cancers of the lung, oral cavity, larynx, and esophagus,<sup>ii,iii,iv</sup> it is not surprising that African Americans experience a disproportionate burden of cigar use, exacerbating disparities.<sup>v</sup> Tobacco control policies must be comprehensive to reduce tobacco use among all populations.

When it comes to flavored cigars, they are not subject to existing federal flavor prohibitions. Flavored cigarettes, except for menthol, have been largely illegal since 2009. In January 2020, the U.S. Food and Drug Administration (FDA) prohibited the sale of most flavors in cartridge-based e-cigarettes.<sup>vi</sup> But similar regulations do not exist for flavored cigars, something that has helped the cigar industry stay attractive to younger customers. In April 2022, the FDA released its proposed rules to eliminate all flavors in cigars and menthol cigarettes, but the rules are still not final.

### Disparities in Youth Cigar Use

An estimated 500,000 U.S. students currently used cigars in 2022, making cigars the second most popular tobacco product among youth.<sup>vii</sup> In addition, 3.5 percent or 8.6 million of U.S. adults reported current cigar use in 2021, including 5.1 percent of non-Hispanic Black adults.<sup>viii</sup> According to the National Youth Tobacco Survey, Black students are significantly more likely to use cigars than their peers. In 2022, 3.3 percent of surveyed Black middle and high school students reported using cigars in the past 30 days, compared to 1.9 percent among all students.<sup>ix</sup> Cigars are currently the second most popular tobacco product among Black youth, behind e-cigarettes. Male high school students are also more likely than female high school students to currently use cigars (3.5 percent vs 2.1 percent). These disparities are in part due to a higher volume of exposure to tobacco promotion and advertising as well as higher tobacco retail outlet density in communities of color, which is clearly a health equity issue.

### Flavored Cigars

Cigars, cigarillos, and little cigars are all sold in many flavors that are appealing to young people, such as menthol, banana, mango, grape, Tropical Twist, Purple Swish and chocolate. These flavored products are commonly sold by tobacco retailers such as convenience stores, but, unlike cigarettes, are not required to be placed behind the countertop.<sup>x,xi</sup> This practice may make flavored cigars and cigarillos more accessible to young people.

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Flavored cigars are very popular among youth and young adults. A 2015 study found that 74 percent of youth who used cigars reported flavoring as a primary reason for using them.<sup>xii,xiii</sup> In 2021, 44.4 percent of students who currently use cigars reported using flavored cigars in the past 30 days (41.1% for high school students and 59.9% for middle school students.)<sup>xiv</sup> Importantly, flavored cigars can also serve as a gateway for people who do not use tobacco products to start using tobacco. A 2019 longitudinal study found that, among youth aged 12-17 who began using cigars during the study period, 45.2 percent reported that their first product was flavored.<sup>xv</sup> This same study found that young adults aged 18-24 who start with flavored cigars are more likely to regularly use cigars compared to those who start with unflavored cigars.

## Health Effects

Regular cigar smoking increases the risk of cancers of the lung, oral cavity, larynx, and esophagus.<sup>xvi</sup> In fact, people who smoke cigars are four to ten times more likely to die from laryngeal, oral or esophageal cancers than people who do not smoke.<sup>xvii</sup> Heavy cigar smoking also increases the risk of developing lung diseases, such as emphysema and chronic bronchitis.<sup>xviii</sup> Cigars also produce secondhand smoke that is dangerous for people who do not smoke. Cigars contain nicotine which can induce dependence and harm health.<sup>xix</sup> And unfortunately, young people who use tobacco products are more likely to become addicted than adults.<sup>xx</sup>

## ACS CAN's Position

Regulation of cigars is part of ACS CAN's comprehensive approach to reducing tobacco use and exposure to secondhand smoke in the United States. ACS CAN makes the following policy recommendations with respect to cigars:

- **Prohibit flavored cigars:** Congress or the FDA should prohibit the use of characterizing flavors, including menthol, in all tobacco products. Many states and localities are moving forward to end the sale of menthol cigarettes, cigars and all other flavored tobacco products and winning legal challenges to laws. The Family Smoking Prevention and Tobacco Control Act does not permit a state or locality from requiring a product standard, such as the removal of a flavor, but the law does preserve the ability for states and localities to regulate the sales of tobacco products. States and localities should pursue policy options including ending the sale of all flavored tobacco products, including cigars and menthol cigarettes, while taking into consideration what is permitted in a specific jurisdiction.
- **Tax cigars at the same rate as cigarettes:** Like all other tobacco products, cigars should be subject to taxation as well as manufacturing and marketing rules to reduce the deadly and costly burden of tobacco use. All cigars, regardless of size, must be taxed at rates equivalent to cigarettes with no cap on tax rates.
- **Include cigars in smoke-free laws:** Secondhand smoke from cigars poses significant health risks to people who smoke and those around them and should be included as part of any smoke-free law. This includes prohibiting cigar use in cigar and tobacco shops, bars identified as "cigar bars," gaming facilities and wherever else smoking is prohibited.
- **Regulate cigars by the FDA:** All types of cigars, regardless of their weight, should be regulated by the FDA and subject to the same requirements as cigarettes, smokeless tobacco and other tobacco products. In addition, FDA should use its enforcement authority against manufacturers selling cigarettes as little cigars.

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**TO: Senate Finance Committee**  
**FROM: Nick Torres – Director, Advocacy**  
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**DATE: February 4, 2025**  
**SUBJECT: Opposition to Senate Bill 25-056**

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The American Lung Association works on behalf of the 34 million Americans, including more than 700,000 Coloradans, living with lung diseases like asthma, COPD, and lung cancer.

Tobacco use remains the leading cause of preventable death and disease in the United States, and here in Colorado. In all, tobacco use claims the lives of an estimated 480,000 people in the United States each year. Decades worth of research and realworld examples are clear: one of the most effective policy measures to address smoking rates is to *increase* taxes on tobacco products and invest those funds into tobacco control programs including prevention and cessation efforts.

The Colorado General Assembly and Colorado voters should be applauded for doing just that. Voters have overwhelmingly supported higher taxes on tobacco products via Amendment 35 in 2004, Proposition EE in 2020, and again with Proposition II in 2023.

The Lung Association believes that all tobacco products should be taxed equally across all product categories. We oppose carve-outs for particular types of tobacco products. Senate Bill 25-056 is proposing a special, lower tax rate for a certain category of cigars. But a cigar, no matter how high-end, is still a tobacco product. In fact, the amount of tobacco in a large premium cigar in many cases equals the same amount of tobacco in an entire pack of cigarettes.

In addition to the public health implications, the fiscal impact of a tax cut on these products is particularly concerning given the overwhelming budget pressures on the General Fund this year. Last year, the fiscal note on a nearly identical bill was estimated at nearly \$10 million annually to the State. This year's dramatically lower fiscal note of \$1.3 million raises questions about how Colorado assesses the economic and health costs due to tobacco use.

According to the [Lung Association's 2025 State of Tobacco Control](#) report, Colorado earned a "C" grade for tobacco taxes. There is more work that our state should be doing to increase taxes on tobacco products. Lowering these taxes is precisely the wrong approach.

Finally, cutting taxes on tobacco products would mean cuts to important programs that rely on this revenue, like local health department prevention grants, the state's Tobacco Quitline, 1-800-Quit-Now, and The Rural Schools Cash Fund.

We ask that you continue Colorado's commitment to a public health and respectfully request a No vote.