

Kansas City Missouri
Neighborhood Planning and Development Committee
Testimony: File no.240897
Guy Bentley, Director of Consumer Freedom, Reason Foundation

Members of the committee, thank you for the opportunity to submit comments regarding the proposed ban on flavored tobacco products. My name is Guy Bentley, and I am the director of consumer freedom at the Reason Foundation, a 501(c)3 nonprofit think tank.

The intention to limit tobacco use, especially among youth, is to be applauded. However, the evidence shows that banning flavored tobacco products pushes sales to other jurisdictions, increases the illicit tobacco trade, and can increase smoking.

The risks of banning access to FDA-authorized products

A ban on all flavored tobacco products would forbid adult smokers in Kansas City from purchasing products authorized for sale by the Food and Drug Administration (FDA) as “appropriate for the protection of public health.” These products include e-cigarettes, oral nicotine products, and heated tobacco products, each of which has been subjected to intensive review from scientists and experts at the FDA and authorized for sale because the public health benefits of these products outweigh their potential risks, including risks to youth.¹ These products are safer than combustible cigarettes and can help those smokers who have been unable to quit through other means to achieve their health goals.

Furthermore, a growing literature demonstrates that banning safer alternatives to cigarettes, such as flavored e-cigarettes, increases the sales of traditional cigarettes. Researchers from three universities, including the University of Missouri, found that an additional 12 cigarettes were sold for every e-cigarette pod that was not sold because of flavor bans. If cigarette sales replace flavored alternatives to cigarettes, that would represent a negative trade-off for public health.²

While prohibiting flavors other than tobacco may seem an attractive solution to the problem of youth vaping, policymakers should recognize that, according to the 2024 National Youth

¹ U.S. Food and Drug Administration. “Premarket Tobacco Product Marketing Granted Orders.” <https://www.fda.gov/tobacco-products/premarket-tobacco-product-applications/premarket-tobacco-product-marketing-granted-orders>

² Friedman, Abigail and Liber, Alex C. and Crippen, Alyssa and Pesko, Michael. “E-cigarette Flavor Restrictions’ Effects on Tobacco Product Sales.” Available at SSRN. January 29, 2024. <https://ssrn.com/abstract=4586701>

Tobacco Survey (NYTS), youth vaping has fallen by almost 70 percent since 2019.³ These dramatic reductions in youth vaping were achieved without a national prohibition on flavored tobacco products.

Case Study: San Francisco

In 2018, the city of San Francisco banned the sale of all flavored tobacco products, including e-cigarettes with flavors other than tobacco. A study conducted by Yale University’s Abigail Friedman found that after San Francisco’s flavored tobacco ban was enacted, youth in the area were twice as likely to smoke compared to young people in similar jurisdictions that had not enacted tobacco flavor bans.⁴ This ban did not reduce youth smoking.

“While neither smoking cigarettes nor vaping nicotine are safe per se, the bulk of current evidence indicates substantially greater harms from smoking, which is responsible for nearly one in five adult deaths annually. Even if it is well-intentioned, a law that increases youth smoking could pose a threat to public health,” said Friedman.⁵ A separate study published in *Addictive Behavior Reports* found the majority of young adult tobacco users continued using flavored products, and the ban may have actually *increased* cigarette smoking.⁶

We urge the committee to consider the risks of an outright ban on all flavored tobacco products. Preventing youth tobacco use should always be a public health priority, but it can be achieved without the unintended consequences that can stem from prohibition.

Guy Bentley, Director of Consumer Freedom, Reason Foundation
guy.bentley@reason.org

³ Park-Lee E, Jamal A, Cowan H, et al. “Notes from the Field: E-Cigarette and Nicotine Pouch Use Among Middle and High School Students — United States, 2024.” *MMWR Morb Mortal Wkly Rep* 2024;73:774–778. Centers for Disease Control and Prevention. September 5, 2024.

https://www.cdc.gov/mmwr/volumes/73/wr/mm7335a3.htm?_cid=mm7335a3_w#suggestedcitation

⁴ Friedman AS. “A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco, California.” *JAMA Pediatr*. May 24, 2021.

<https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248>

⁵ Greenwood, Michael. “Ban on flavored vaping may have led to teens to cigarettes, study suggests.” *YaleNews*. May 25, 2021.

<https://news.yale.edu/2021/05/25/ban-flavored-vaping-may-have-led-teens-cigarettes-study-suggests>

⁶ Yang Y, Lindblom EN, Salloum RG, Ward KD. “The impact of a comprehensive tobacco product flavor ban in San Francisco among young adults.” *Addictive Behavior Reports*. April 1, 2024.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7186365/>