Proposal to Require Health Warnings and Smoking Cessation Information Where Tobacco Is Sold

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June 24, 2009
Burden of Tobacco In NYC

- Leading cause of preventable death in NYC
- Kills 7,400 New Yorkers annually - more than AIDS, drugs, homicide and suicide combined\(^1\)
- Current Smokers:
  - More than 950,000 adults (15.8\%)\(^2\)
  - 20,000 public high school students (8.5\%)\(^3\)
- 2/3 of smokers want to quit, but need help to be successful\(^2\)
Retail Environment Lacks Information about Tobacco Health Risks

- Tobacco advertising prominent in most stores
- More than 12,000 tobacco retailers in NYC
- Currently, no point-of-sale health information
Proposed Regulation

• Amend Article 181 of the NYC Health Code to require the posting of tobacco health warnings and smoking cessation information in all places in NYC where tobacco is sold
• Required signage will be produced and distributed by Health Department
• Health Department will have discretion to change content of signage periodically
Signage Content and Design

• Health Department will have discretion to include:
  – Information about tobacco products and the adverse health effects of their use
  – Information about how to get help to quit using tobacco and reasons to seek help
  – A pictorial image of the health effects of tobacco use
Health Warnings Educate Smokers and Influence Quit Attempts

• Health consequences of tobacco use not fully understood by smokers, particularly among lower socioeconomic groups\textsuperscript{4,5,6}

• Smokers’ health behaviors strongly influenced by understanding of health risks of smoking\textsuperscript{7,8}

• Smokers who perceive greater smoking-related health hazards more likely to consider quitting and to quit successfully\textsuperscript{7,8}
Depictions of Health Risks
Most Effective

• Warnings that describe adverse health effects of tobacco use most effective at prompting quit attempts\textsuperscript{9}
• Graphic warnings more effective than text-only, particularly among youth\textsuperscript{8}
Promoting Cessation Resources Encourages Smokers to Quit

- 66% of NYC smokers want to quit²
- Likelihood of quitting successfully doubles with counseling and appropriate medications¹⁰
- Better awareness of smoking cessation resources increases utilization¹¹
Health Warnings Support Youth Smoking Prevention Efforts

- 90% of adult smokers begin smoking as teens and become daily smokers by age 19\(^{12}\)
- 30% of youth smokers buy tobacco in stores despite existing laws\(^{3}\)
- Health warning signs at point-of-sale will:
  - Educate youth about the dangers of smoking
  - Support de-normalization of tobacco
  - Counteract tobacco advertising
Sample Signage

**SMOKING CAUSES CANCER**

Quit Smoking Today. For help, call 311 or 1-866-NYQUITS

**WARNING**

SMOKING CAUSES LUNG CANCER

Quit Smoking Today. For help, call 311 or 1-866-NYQUITS

**SMOKING KILLS**

QUIT SMOKING TODAY
FOR HELP, CALL 311 OR 1-866-NYQUITS
SMOKING CAUSES CANCER

Quit Smoking Today. For help, call 311 or 1-866-NYQUITS
Anticipated Objections

- Tobacco retailers may oppose the regulation on same grounds that restaurants opposed calorie posting rule:
  - Signage compels speech, violates First Amendment
  - Preempted by federal law
  - Court has upheld calorie posting rule
- Requiring the communication of factual information constitutional
- No federal preemption of retail health warnings
Citations


