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**House Committee on Federal and State Affairs**  
February 13, 2020

**Neutral Testimony for House Bill 2563**  
Written Only

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The Kansas Health Institute supports effective policymaking through nonpartisan research, education and engagement. KHI believes evidence-based information, objective analysis and civil dialogue enable policy leaders to be champions for a healthier Kansas. Established in 1995 with a multiyear grant from the Kansas Health Foundation, KHI is a nonprofit, nonpartisan educational organization based in Topeka.

Chair Barker and Members of the Committee:

Thank you for the opportunity to provide neutral testimony on House Bill (HB) 2563, which aims to increase the minimum age to purchase or possess cigarettes and tobacco products from age 18 to 21 (referred to as “Tobacco 21”), and prohibits cigarette vending machines and flavored vaping products. My name is Hina Shah, and I am a senior analyst with the Kansas Health Institute (KHI), which is a nonprofit, nonpartisan educational organization based in Topeka, founded in 1995 with a multiyear grant from the Kansas Health Foundation.

The Kansas Health Institute does not take positions on legislation. The focus of my testimony is to provide recent data related to the issue addressed in HB 2563. Electronic cigarettes, commonly known as e-cigarettes, are battery-powered devices that provide nicotine and other additives to the user in the form of an aerosol. E-cigarettes entered the U.S. market in 2007. To address high rates of e-cigarette use among adolescents, the federal government enacted Tobacco 21, raising the minimum sales age for tobacco products, on December 20, 2019. States have passed a number of e-cigarette policies, including smoke-free laws, online sales regulations, youth access laws, taxation, and flavor bans.

While the prevalence of conventional cigarette smoking has trended down over the last decade, e-cigarette use has increased significantly among high school students. The National Youth Tobacco Survey (NYTS), conducted collaboratively by the Centers for Disease Control and Prevention (CDC), Office on Smoking and Health, and the FDA Center for Tobacco Products, reported that among U.S. high school students, current cigarette smoking in the past 30 days dropped from 17.2 percent in 2009 to 5.8 percent in 2019, while current e-cigarette use in the past 30 days rose from 1.5 percent in 2011 to 27.4 percent in 2019 (*Figure 1*). Although data are not shown in *Figure 1*, the percent of middle school students currently using e-cigarettes in the past 30 days also rose from 0.6 percent in 2011 to 10.5 percent in 2019.

In general, Kansas rates are similar to national rates. According to the biennial Kansas Youth Risk Behavior Survey (YRBS), sponsored by the CDC, the percentage of Kansas high school students currently smoking cigarettes in the past 30 days dropped from 16.9 percent in 2009 to 5.8 percent in 2019, while the percentage of students currently using e-cigarettes in the past 30 days doubled from 10.6 percent in 2017 to 22.8 percent in 2019.

**Figure 1. Estimated Percentage of Current Use (in Past 30 Days) of Tobacco Use, by Product, Among High School Students in the U.S. and Kansas, 2009-2019**

Year	National Youth Tobacco Survey (U.S)		Youth Risk Behavior Survey (Kansas)	
	Cigarettes	E-cigarettes	Cigarettes	Electronic Vapor Product
2009	17.2	N/A	16.9	N/A
2011	15.8	1.5	14.4	N/A
2013	12.7	4.5	10.2	N/A
2015	9.3	16.0	N/A	N/A
2017	7.6	11.7	7.2	10.6
2019	5.8	27.4	5.8	22.0

Note: N/A stands for not available. Electronic vapor products in the Youth Risk Behavior Survey includes e-cigarettes, vapes, vape pens, e-cigars, e-hookahs, hookah pens, and mods. Kansas youth data on e-cigarette use is not available prior to 2017.

Source: KHI Analysis of the National Youth Tobacco Survey, 2009-2019, and the Kansas Youth Risk Behavior Survey Trend Report from the Kansas State Department of Education, 2009-2019.

For more information, please review our past issue briefs on e-cigarettes located on our website, <https://www.khi.org>:

- [\*Rising Use of E-Cigarettes in U.S. and Kansas Sparks Concern\*](#) (March 2019)
- [\*Known Health Effects of E-Cigarette Use\*](#) (March 2019)
- [\*Youth Access to Tobacco: Tobacco 21 Enforcement Study and Tobacco Retail Outlet Density\*](#) (April 2019)
- [\*Event Recap – Tobacco 21 in Kansas: Local Efforts to Regulate Age of Smokers and Vapers\*](#) (March 2019)
- [\*Understanding the Tobacco 21 Initiative and Implementation of Tobacco 21 Laws\*](#) (September 2018)

Thank you for your time. If you have any questions regarding today's information or past issue briefs, please contact Hina Shah at (785) 233-5443 or [hshah@khi.org](mailto:hshah@khi.org)