

George Bouton HB 5286

Testimony in Opposition to HB 5286 – E-Cigarette Labeling Bill

Chairpersons Gerratana and Johnson and distinguished members of the Public Health Committee:

The Vapor Edge is an electronic cigarette business in Naugatuck and Bristol, Connecticut. During our past year in business, we have witnessed the benefits of tobacco harm reduction among many Connecticut residents. Many adults who have been long time tobacco users now have the ability to choose an improved lifestyle through the use of electronic cigarettes, which are smoke-free, tobacco-free, and often nicotine-free. Since our opening we have seen and heard our customers return to tell us about the positive effect that electronic cigarettes have had on their lives.

HB 5286 is a well-intentioned bill, but ultimately it would be destructive and potentially fatal to the entire electronic cigarette industry in Connecticut for the following reasons:

1. As a preliminary matter, any labeling requirement is inappropriate. Labels on cigarettes, smokeless tobacco, and cigars are all preempted by federal law. In the likely event that the Food and Drug Administration issues regulations requiring the labeling of electronic cigarette products, this state law would become preempted. Nonetheless, if passed, the State of Connecticut will almost undoubtedly be facing a lawsuit.
2. The costly, unprecedented requirement that products be labeled with "nicotine yield" will cause every electronic cigarette specialty store in Connecticut to close. Electronic cigarette products are labeled with *nicotine content* (i.e., 0.6% or 6 mg/g), not *nicotine yield*. Nicotine yield refers to the amount of nicotine present in the vapor produced by an electronic cigarette. Vapor product stores like Vapor Edge do not sell standardized products and therefore it will be **impossible for us to comply with this regulation**. Furthermore, in stark contrast to cigarettes, there is no generally acceptable scientific process to measure nicotine yield from electronic cigarettes.
3. The extraordinarily large font size (or, in the alternative, very large portion of the packaging) is not typical of consumer products or, for that matter, for pharmaceutical or tobacco products. Given the low risk associated with e-cigarette use, requiring such a large font size is simply not appropriate or desirable.
4. Instituting a non-industry standard labeling requirement will dramatically reduce the availability of products available to Connecticut consumers, if not eliminate availability altogether. This requirement could effectively operate as a de facto ban on e-cigarette products in the state, forcing many adult e-cigarette users to resort to a newly created black market or to return to smoking (and increase their health risks by an estimated 99%).

5. Given the low risks of e-cigarette use, there is no reason for the State to do anything to make e-cigarettes less accessible, affordable, or attractive to adult consumers who are choosing to use e-cigarettes as a safer alternative to smoking.

The low risk of e-cigarettes is supported by research done by Dr. Siegel of Boston University, Dr. Eissenberg of Virginia Commonwealth, Dr Maciej L Goniewicz of the Roswell Park Cancer Institute, Dr. Laugesen of Health New Zealand, Dr. Igor Burstyn of Drexel University, and by the fact testing by the Food & Drug Administration, in spite of its press statement, failed to find harmful levels of carcinogens or toxic levels of any chemical in the vapor.

A comprehensive review conducted by Dr. Igor Burstyn of Drexel University School of Public Health based on over 9,000 observations of e-cigarette liquid and vapor found "no apparent concern" for bystanders exposed to e-cigarette vapor, even under "worst case" assumptions about exposure.

We at The Vapor Edge are dedicated in informing our customers in how electronic cigarettes work, how electronic cigarettes are used, as well as appropriate safety and usage guidelines concerning electronic cigarette liquid. This is done in order to thoroughly educate our customers, and allow them to make an informed decision regarding tobacco harm reduction.

Please OPPOSE HB 5286, as it would only serve to shut down our businesses and/or make it extremely difficult for us to do business with out-of-state retailers and wholesalers. Furthermore, even if our store is able to remain open, passage would confuse existing patrons of our store and dissuade future customers from choosing an alternative that could improve their lives.

For further information, please see the attached paper, "A fresh look at tobacco harm reduction: the case for the electronic cigarette," which was recently published in the medical journal Harm Reduction Journal -- www.harmreductionjournal.com/content/10/1/19