

***Testimony Regarding Electronic Cigarettes,  
HB5449, An Act Prohibiting the Use of Electronic Cigarettes in the Same Places  
Where Smoking is Prohibited  
HB6283, An Act Regulating Electronic Cigarettes  
HB6290, An Act Limiting the Advertising of Electronic Nicotine Delivery Systems***

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Distinguished Chairpersons and Members of the Public Health Committee:

My name is Ruth Canovi. I am the Manager of Public Policy for the American Lung Association in Connecticut, a not-for-profit voluntary health organization dedicated to saving lives by improving lung health and preventing lung disease. I am here to express my support of this committee's efforts to regulate electronic cigarettes – controversial products receiving a lot of attention these days.

The American Lung Association is concerned about the potential health consequences of electronic cigarettes (e-cigarettes), as well as the unproven claims that they can be used to help smokers quit. Presently there is no government oversight of these products. Absent Food and Drug Administration (FDA) regulation, there is no way for the public health and medical community or consumers to know what chemicals are contained in e-cigarettes or what the short- and long-term health implications might be. What we do know is that there is currently no scientific evidence establishing the safety of e-cigarettes; no brand of e-cigarettes has been found by the FDA to be safe and effective in helping smokers quit. In initial lab tests conducted in 2009, FDA found detectable levels of toxic cancer-causing chemicals. Additional initial studies have found formaldehyde, benzene and carcinogens in secondhand e-cigarette emissions. We need to find out more.

Federally, the American Lung Association is advocating for the White House and the FDA to move forward on its proposal to deem authority over these products this year. It will still be a long road until we get answers to all of our questions, but federal regulation could mean that we begin to see similar labeling requirements of electronic cigarettes that exist for traditional cigarettes and other tobacco products, get more information about the ingredients of these products and regulate the youth focused marketing practices these companies are using to encourage use. In the meantime there are some things that we can do on the state level to help protect the public's health.

Electronic cigarette use is skyrocketing among youth and young adults. In fact in a recent study we've seen e-cigarette use surpass rates of traditional cigarette use. This is of great concern to us. Electronic cigarettes are often available in flavors appealing to children and teens including cotton candy, bubble gum, chocolate, strawberry and mint. Additionally the e-cigarette industry is using pages ripped right out of Big Tobacco's playbook when it comes to marketing their

products. We see ads making the products appear sexy and cool; we see ads telling smokers to revolt against being pushed outside and urging them to use e-cigarettes indoors; we see celebrity endorsers, implied health claims and discounting and couponing.

In addition to our continued questions about how these products impact health and increasing rates of youth tobacco product use, the growth in popularity and lack of regulation has the potential to reverse the public policy progress we have made in the state, as well as the change in social norms and expectations we've seen regarding smoking behavior.

So what does all of this mean for where we stand on policies and recommendations for the state of Connecticut while we wait for the Food and Drug Administration to act?

Electronic nicotine delivery devices like electronic cigarettes should be defined as tobacco products. We recommend changing their definition established in section 53-344b of the General Statutes which defines them as a separate category of product to instead include these products in the definition of a tobacco product.

The increased use of electronic cigarettes gives us an opportunity to update our existing state laws to reflect the current landscape and the tobacco industry's new products. We strongly support including the use of electronic cigarettes in our clean indoor air law, but we would be remiss if we missed an opportunity to update this law to address some of the existing loopholes. We still have more to learn about the contents of the secondhand e-cigarette emissions, but early studies indicate the presence of toxic chemicals. Another issue is that use of e-cigarettes in public places and workplaces can complicate efforts to enforce and comply with smokefree laws. When people use electronic cigarettes, the act often looks like traditional smoking, which can cause quite a bit of confusion for the public as well as those responsible for enforcing the current smokefree regulations.

With regard to flavored products, flavored cigarettes (with the exception of menthol) have been prohibited federally, but there are all kinds of flavored tobacco products, many of which are more attractive to youth. We support prohibiting flavored electronic cigarettes and e-liquid, but if we are looking at limiting the sale of these products, we should also take the opportunity to help reduce the issues around growing youth use of products like flavored cigars (which are not only flavored, but cheaper because they are not taxed at the same rates as cigarettes in Connecticut). Both more traditional tobacco products as well as newer ones like e-cigarettes have flavors added to them that are attractive to children including fruit flavors, cotton-candy and gummy bear. The only permissible flavor of these products should be tobacco-flavor. The American Lung Association would be open to limiting the purchase of flavored tobacco products to retail locations open to people age 18 and older.

We are also open to talking with you about opportunities for regulations regarding sales in retail stores as well as retail licensing.

I anticipate you will hear vocal advocates of e-cigarette use throughout this legislative session. We want to be clear that we are not trying to prohibit Connecticut residents from using these products; we just want to be sure that the public (especially youth and young adults) are

presented with information about these products that can help them make good choices. We also want to regulate where these products are utilized to help protect the health of Connecticut residents as well as to help protect the progress we have made in reducing tobacco use and promoting healthy social norms around smoking.

There are new materials coming out all of the time regarding electronic cigarettes. If you have not already, we recommend you look to the California's "A State Officer's Report on E-Cigarettes: A Community Health Threat" which can be accessed at:

<http://www.cdph.ca.gov/programs/tobacco/Documents/Media/State%20Health-e-ciq%20report.pdf> .

I do need to leave you with one major concern the tobacco control community currently holds. The Governor's budget proposes to completely eliminate the transfer of all funds from the Master Settlement Agreement money to the Tobacco and Health Trust Fund for Fiscal Years 2016 and 2017. If Connecticut has zero dollars in the budget to do any kind of work around tobacco prevention and control, what does that mean for our ability to implement any kind of new work around electronic cigarettes? So at this time, I also urge you to do what you can to ensure that tobacco prevention and cessation work in Connecticut is funded to help protect the state's economic and public health.

Thank you for your time and consideration. We look forward to working with you on this challenging and controversial issue but have confidence that we can implement good public health policy around this ever changing industry.

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