February 14, 2019

RE: HB 6404, a bill relating to prohibiting the sale of flavored e-liquid and tobacco products

Co-Chairs Linehan and Abrams, and distinguished members of the Committee on Children:

On behalf of the American Vaping Association, a nonprofit organization that advocates for policies that encourage adult smokers who are unwilling or unable to quit smoking to switch to reduced risk nicotine products, I am writing to urge the committee to reject HB 6404, which would ban the sale of e-liquids used in vaping products by 90%–plus of adult vapers in the United States. Neither public health nor Connecticut small businesses will be served by preventing adult smokers from accessing less harmful alternatives to traditional combustible cigarettes.

I. Vaping products are much less harmful than smoking and are helping adult smokers quit

- Over forty years ago, Dr. Michael Russell wrote in the British Medical Journal, "Smokers smoke for the nicotine, but die from the tar." While nicotine can create dependence in users, it is not a carcinogen and does not meaningfully contribute to the death and disease that is principally caused by the habitual inhalation of cigarette smoke.

- On January 19, 2019, Food & Drug Administration Commissioner Dr. Scott Gottlieb reiterated his position on the benefits of vaping by adults, tweeting, "I believe if every currently addicted adult smoker switched completely to e-cigs it would provide a tremendous public health gain."

- Researchers from the American Heart Association, working from a sample size of over 460,000 Americans, estimated that 7.6% of all ex-smokers in the United States (4.4 million adults) had vaped in the past month, with 5% of all ex-smokers being daily vapers (3 million people).¹

- A 26-month study of 15,943 adult smokers undertaken by the Centers for Disease Control & Prevention (CDC) found that vaping is the most popular method of quitting smoking in the United States. Furthermore, smokers using vapor products were more likely to successfully quit versus those who used conventional methods like the nicotine gum and patch.²

- Respected international bodies, including the Royal College of Physicians and Public Health England, have published expert reports estimating that vaping carries no more than 5% the risk of smoking.

- The U.S. National Academy of Sciences (NAS) extensively studied the health effects of vaping products and concluded that vaping will result in an overall public health benefit under the most plausible scenarios.

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II. The Importance of Flavors to Adults has been Demonstrated

- A study using data from the FDA’s multi-year, population-level PATH study found that among adults aged 25 or older, those using candy or sweet vaping flavors were twice as likely to be trying to quit combustible tobacco. Moreover, among ex-smokers who reported that e-cigarettes helped with their smoking cessation, more respondents used fruit than any other flavor type.³

- Researchers from the Yale School of Public Health and other institutions conducted an FDA-funded study of 2,031 adult smokers and recent quitters. The study concluded that banning flavors in vaping products would result in increases in smoking, with the greatest increase coming if menthol cigarettes were not also banned.⁴

- A self-selected survey of 69,223 vapers from the United States found that among the 81.3% of respondents who were former smokers, just 7.7% and 12.8% of these exclusive vapers used tobacco or menthol flavors, respectively. Ex-smokers and dual users overwhelmingly preferred flavors categorized as fruit, dessert, or sweet.⁵

III. Better Enforcement is the Answer, Not Bans & New Taxes

In the next month, FDA Commissioner Scott Gottlieb is expected to officially release new policy guidance that will restrict the retail sale of all flavored vaping products (other than tobacco, mint, and menthol) to adult-only environments like vape shops. Dr. Gottlieb believes this federal policy change and other agency actions will help strike a balance between the goals of preventing youth nicotine initiation and ensuring adult smokers have access to satisfying and effective alternatives.

We share the goal of decreasing youth vaping and want to be a part of the solution, but punishing adults is not the answer. Connecticut should rigorously enforce its existing ban on the sale of all nicotine and tobacco products to minors. However, new excise taxes are not justified by the science that exists today. Indeed, the science suggests that because vaping products and other non-combustible options are helping to reduce and denormalize smoking, taxing vaping products would instead do much more harm than good.

Please reject HB 6404 and keep smoke-free alternatives affordable and accessible for adult smokers in Connecticut.

Sincerely,

Gregory Conley, J.D., M.B.A.
President
American Vaping Association

