



1610 Boston Post Road
Old Saybrook, CT 06475
860.391.8514
april@nevapor.com
april@sfata.org

February 1, 2021

To: The Honorable Sen. Mary Abrams, Co-Chair
The Honorable Rep. Jonathan Steinberg, Co-Chair
The Honorable Sen. Matthew Lesser, Vice-Chair
The Honorable Sen. Saud Anwar, Vice-Chair
Rep. Phil Young, Vice-Chair
Members, Public Health Committee

From: April L. Meyers, Managing Partner, Northeast Vapor Supplies, LLC
Board President & CEO, Smoke-Free Alternatives Trade Association

RE: SB 000326 – Oppose.

Esteemed members of the Public Health Committee, thank you for the opportunity to submit testimony.

Northeast Vapor Supplies, LLC was one of the very first dedicated vapor retailers established in Connecticut during the fall of 2011. Over the last ten years, we have expanded, consolidated, relocated, and evolved with the landscape around us. We currently operate a single location in Middlesex County where we employ five staff.

In addition to being both a voting resident of Connecticut and the Managing Partner of a state-run business, I am also the Board President of the Smoke-Free Alternatives Trade Association (SFATA) and a long-time active member of the Connecticut Chapter (CT SFATA). You can read more about SFATA and the Connecticut Chapter in Appendix A.

Northeast Vapor Supplies, LLC and the Smoke-Free Alternatives Trade Association as well as its Connecticut Chapter stand in opposition to SB 326 for the following:

- If allowed to pass, SB 326 would decimate the Connecticut vapor industry by banning the sale of all electronic cigarette liquids and cartridges. This would be extremely harmful to public health in that it would leave deadly, combustible tobacco cigarettes as the only available option and send tens of thousands of legal adult consumers back to smoking or worse, to the black market. You see, every single electronic cigarette available on the worldwide market is “flavored.” Because they do not contain tobacco, electronic cigarettes have no “natural tobacco” taste, in fact, they are completely tasteless without the addition of “characterizing flavors”. Even pod systems and eLiquids advertised as “tobacco” flavor are, in fact, the result of the blending of several different “characterizing flavors” or base flavor molecules such as vanilla, honey, caramel, chocolate and nut flavors to simulate a tobacco taste. Because of the very process of manufacturing, “tobacco” flavors always have a “distinguishable taste or aroma” of one or more “characterizing flavor” other than tobacco. It just is not possible to accurately simulate a

burning tobacco leaf and filter. As a result, SB 326 will act as a de facto ban of the manufacture and sale of ALL electronic cigarettes.

Let's pretend, for a moment, that an exemption was made for characterizing flavors inside of tobacco flavors intended to taste like tobacco. Even in that situation, SB 326 will ban over 95% of our business and SFATA member business sales in the state of Connecticut (remember from Appendix A, these are small and mico-sized businesses whose owners are primarily former smokers) and place the majority of what few legal sales remain into the hands of Big Tobacco, the very entities whose practices this committee is attempting to curtail. Wall Street analysts credit the vapor industry with causing cigarette sales to experience larger than forecasted declines in the U.S. and Europe. Each time a restrictive regulation is placed on electronic cigarettes, Big Tobacco stocks skyrocket. Regardless of the good intentions involved, every step taken to reduce adult access to vapor products is really a step towards protecting Big Tobacco's combustible cigarette markets. This bill would present more than just a competitive disadvantage for local suppliers and retailers. It would be a death toll for Connecticut's vapor industry. Local consumers will either flavor liquids themselves, buy products on the black market or find creative ways to purchase from out of state.

- The baseless claims that electronic cigarettes flavors are made to attract children must be weighed against the significant evidence that eliquid flavors are not simply very popular with adult users, but necessary as tools instrumental to success. Dr. Konstantinos Farsalino and Dr. Christopher Russell conducted the most extensive study on flavors among adult citizens in the United States and submitted their findings to FDA on the subject. The results are compelling, and we urge this committee to read the full text of this study, which we have attached to our testimony as Appendix B.

Below are some highlights:

“In brief, we found extensive use of non-tobacco flavors among all smoking subgroups, including former smokers who were using e-cigarettes at the time of smoking cessation. Similar patterns were observed not only at e-cigarette use initiation but also at the time of smoking cessation and at the time of survey participation. Fruit and dessert/pastry/bakery flavors were the most prevalent choices of the adult established, dedicated US e-cigarette users who participated to this study. The same flavors were also considered particularly important in their effort to quit smoking and to prevent relapse to smoking.”

- The use of flavored eliquids is one of the primary factors in helping prevent adult former smokers who switch to e-cigarettes from going back to traditional cigarettes. Most users report that after switching to electronic cigarettes and experiencing the pleasant tastes one can enjoy with an electronic cigarette, they no longer enjoy the taste or smell of combustible tobacco cigarettes. Furthermore, after a time of transitioning, when taste and smell return to the consumer, most adult consumers desire to disassociate from tobacco and prefer a flavor as far from a tobacco as possible.

While we agree that curbing youth usage and enforcing our current laws prohibiting the sale and use of vapor products is of utmost importance, doing so at the detriment to adults who use these products every day as an alternative to combustible tobacco is not the right step to take. SFATA has always been in support of reasonable regulation and as such, holds its members to high standards as evidenced in our Member Code of Responsible Conduct, which disallowed sales to minors before it was enacted into state or federal law. Our members must also comply with both state and federal regulations. All into

law. Our members must also comply with both state and federal regulations. As such, all manufacturers of flavored vapor products, our members predominantly being manufacturers of the open system market (bottled liquids with nicotine concentrations ranging from nicotine-free to 24mg per milliliter with 3mg being the most sold concentration level) will be either in substantive review with the Food and Drug Administration or be waiting on the status of their application submission. SB 326 stands to make a potential determination for public health that, if passed, will be in direction opposition to what our Food and Drug Administration ultimately approves.

It makes less sense to ban an adult product currently in FDA review than it does to allow current regulatory structure to continue working – and it is working. Please see Appendix C noting an 11.6% decline in sales to minors since the implementation of state and federal T21 laws.

SFATA also has an excellent program that will virtually eliminate the straw buyer from the youth use equation in the form of the Responsible Industry Network program, a program we have presented to FDA and share with this committee in Appendix D. This committee is strongly urged to review this program and work together with our member stores on the RIN program, because by working together, we can reduce the number of youths using vapor products while leaving much needed flavors available to adult consumers.

In conclusion, I profess that SB 326 is not in the best interests of the State of Connecticut.

Thank you for your time and consideration. If you have any questions, please feel free to contact me directly.

Sincerely,

April L. Meyers

A handwritten signature in black ink, appearing to read 'April L. Meyers', written in a cursive style.

Northeast Vapor Supplies, LLC, Managing Partner
Smoke-Free Alternatives Trade Association, Board President & CEO