



## **Connecticut Chapter**

**Smoke-Free Alternatives Trade Association**

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Advocating for a reasonably regulated  
marketplace which allows members to  
provide smoke-free products to  
adult consumers

To: The Honorable Mary Abrams, Co-Chair  
The Honorable Jonathan Steinberg, Co-Chair  
The Honorable Tony Hwang, Ranking Member  
The Honorable William Petit, Ranking Member

From: Andrew O’Bright, Founder, Bright Consultants  
CT SFATA Chapter Leader

RE: SB 326 – In Opposition

Honored members of the Public Health Committee,

I write for your consideration as President of the Connecticut Chapter of the Smoke-Free Alternatives Trade Association (CT SFATA). We represent over a dozen specialty vapor stores, e-liquid manufacturers, and wholesalers across the State of Connecticut that have testified before this committee and spoken at length with the legislature for the past 7 years. CT SFATA membership is comprised of responsible business owners who have been a part of the conversation surrounding vapor products since their introduction to the market and are committed to continued dialogue and working partnerships with our legislature’s committees.

We have tried to demonstrate that we are responsible citizens and business owners by introducing age restriction to the legislature before it was stricken into law through SFATA’s Age to Vape program and Member Code of Responsible Conduct and continue to be vigilant watch dogs in the prevention of youth sales by employing tools like WeCard’s “ID Check-Up” program and Intellicheck’s “Age Authentication” software – benefits built right into our SFATA membership as tools to help us succeed. Over the course of its twelve year and aging history, as the vapor industry grew from



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infancy, it adapted and evolved in sophistication and security. We address issues head on as they emerged and have always done our absolute best to work with government agencies and legislatures, as well as have been quick and eager to comply with regulatory structure. When there was concern over children potentially drinking liquids, we introduced childproof caps and packaging, again, ahead of this being stricken into law. When the FDA required the industry register all of its manufacturing facilities, we complied. When FDA required the industry to submit the ingredients and recipes behind our propriety products, we complied. When we fell under the Deeming Rule and were forced to submit the arduous and onerous Pre-Market Tobacco Application submissions by September 9<sup>th</sup>, 2020, after an extension had been withdrawn, we complied. When Connecticut moved vapor into the Indoor Clean Air Act, we complied. When Connecticut raised the legal age to purchase vapor products to twenty-one, we agreed and complied. We simply cannot agree to comply with a flavor ban and urge you to strike down this bill. The impact to the public health, that this committee is charged with protecting, would be absolutely devastating.

Over the course of the past 2 years, vape shops like the ones CT SFATA represents, make up less than .2% of all youth sales violation letters issued by the FDA in Connecticut. The percentage and total number of violations in specialty vapor stores declined 100% after the law went into effect, once again demonstrating our willingness to be good stewards.

The running theory is that teenagers and young adults are the prime consumers of sweet and fruit flavored e-liquids. But industry studies and sales figures show that the primary consumers of sweet, fruit, cream and yes, even breakfast cereal flavored e-liquids are adults between the ages of 45-80. According to CDC's Behavioral Risk Factor Surveillance System, we know



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that as of 2019, 12.1% of Connecticut residents still smoke. If this committee does not tread carefully, that number will surely rise as a result of the passage of this bill.

We went through these same motions last year under a different bill number. We stood in front of this committee explaining the need for flavors among adult consumers and educated you on how we stood guard against youth purchase. In one hearing, bill author, Senator Anwar stated over and over again, “These are not FDA approved devices”. I must point out to this committee that as of September 9<sup>th</sup>, 2020, the vapor industry complied as previously stated, and each manufacturer legally on the market today, is in fact, somewhere in the FDA approval process to prove that these products are not only appropriate for the protection of public health but are crucial in the fight to save the lives of a half of a million Americans each year- which is how many people die from the effects of smoking combustible cigarettes.

In 2019, specialty retail vapor stores raised the age to twenty-one to whom we sell our products to, with varied and rigid checks on identification. Although gas stations and convenience stores are still being cited on a regular basis for selling to minors, even their numbers are drastically reduced post-law enactment. The Smoke Free Alternatives Trade Association has just presented to the Center for Tobacco Products (CTP) division of the FDA, the Responsible Industry Network proposal which would effectively stop anyone under the age of twenty-one from purchasing vapor products.

We know that although e-cigarettes have been nearly perfect tools in helping adult smokers quit, they have also been used by youth.



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Addressing this issue is critical, BUT it must not come at the expense of adult vapers. The Smoke-Free Alternatives Trade Association has captured some of these older vapers in our Golden Oldies Capitol Tour video series. Of the videos with such data, our participants were between 23 and 74 years old, and averaged 49.4 years of age. All reported former use of cigarettes and smokeless tobacco products, averaging 27.7 years of such use. Indeed, when totaled, our participants in Golden Oldies had used cigarettes and/or smokeless tobacco products for a total of 1,331 years. All of whom used vapor products to get off tobacco products, our participants reported using e-cigarettes between 1 to 11 years, averaging 5.5 years.

Further, states spend very little on helping adult smokers quit. Tobacco Harm Reduction 101 recently published Tobacco Economics, which examined adult smokers in all 50 states. The series found that the states spend very little to \$0 on funding tobacco control programs including education and prevention and stop smoking services. Alaska and California ranked highest in state tobacco control spending, allocating approximately \$95.36 and \$81.77 per adult smoker in 2019, respectively, compared to Connecticut, Tennessee, and West Virginia, all of which spent \$0 on tobacco control in 2019. Yes, our own state did not spend a single penny on tobacco control programs, yet we are discussing a flavor ban.

Let us work WITH you to stop youth usage; we know intimately how it's done since our retailers and employees are such excellent watch dogs.

We implore this committee to step back from this dangerous policy. Adults who use vapor products require a "characterizing flavor" to assist them with their transition from combustible tobacco to vapor. A ban on flavors will surely be the demise of Connecticut's small and micro-sized vapor



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companies, inadvertently leaving the bad apples in the basket to fester and rot.

I will conclude with the statement that Connecticut's specialty vapor retailers, as well as our small and micro-sized manufacturers are not "Big Tobacco". We are your friends and your neighbors. We are members of your local Chamber of Commerce. Our kids take the same classes in school and we shop at the same Costco. We do not sell our products in convenience stores or gas stations. The majority of our customers are just like us: mature adults and "Golden Oldies" who have used vaping to stop smoking combustible cigarettes. Do not take our flavors. We've earned them.

Thank you for your consideration,  
Andrew O'Bright  
Bright Consultants LLC  
President- CT SFATA