



American
Heart
Association.



February 25, 2025

The Honorable Joseph J. Solomon, Jr., Chair
House Corporations Committee
Rhode Island General Assembly
82 Smith Street
Providence, RI 02903

SUBJECT: Opposition to House Bill 5329

Dear Chair Solomon and Members of the Committee:

Our organizations are writing in **opposition to House Bill 5329, AN ACT RELATING TO TAXATION -- CIGARETTE AND OTHER TOBACCO PRODUCTS TAX, by Rep. O'Brien**, which would exempt vape shops from the prohibition on selling flavored electronic cigarettes/electronic nicotine delivery system (ENDS) products. The General Assembly took steps just last year to better enforce flavored ENDS regulations promulgated in 2020. The enacted law included compromises that the vaping industry sought to make the measure more amenable to their interests. Now they are back for more concessions. H.5329 would entirely strip the law of any enforcement and gut these important protections for Rhode Island kids.

Flavored tobacco products are reversing decades of progress in reducing tobacco use among youth and worsening the persistent disparities regarding addiction among communities of color. Last year, in his FY2025 budget proposal, Governor McKee sought to codify in state law existing Department of Health regulations (adopted in 2020) that prohibited the sale of all flavored electronic cigarettes/ENDS in Rhode Island. Governor McKee also shifted enforcement from the Department of Health to the Department of Revenue – Division of Taxation. In the final FY2025 budget, the General Assembly chose to weaken these protections for Rhode Island youth by allowing menthol electronic cigarettes/ENDS back on the market.

It is disheartening to see the introduction of a bill that would take yet another step backwards by allowing all flavored electronic cigarettes/ENDS to be sold again in our state. We urge the committee to reject this misguided proposal and put the health and well-being of our young people first. We further ask the committee to continue moving forward by prohibiting the sale of ALL flavored tobacco products – including flavored cigars and menthol cigarettes – as Massachusetts has already done. Failure to address these products further perpetuates the disparities and health equity gaps facing many of our communities.

There is overwhelming evidence that mint, menthol and other candy and fruit flavors are luring children and adolescents and fueling tobacco addiction in the next generation. Data from the U.S. Food and Drug Administration's (FDA) Population Assessment of Tobacco and Health found that 81% of youth age 12-17 and nearly 86% of young adults age 18-24 who have used a tobacco product say that the first tobacco product they ever used was flavored.ⁱ Flavored tobacco products like chocolate and mixed berry cigars are heavily marketed online, in convenience stores and gas stations, and any place that sells tobacco products, attracting the eyes of youth. Historically, cigar manufacturers designed flavored cigars to serve as "starter" tobacco products for youth and young adults because the flavorings

helped mask the harshness, making the products easier to smoke.ⁱⁱ There was an explosion of cheap, flavored cigars – with sales of all cigars (i.e., large cigars, cigarillos and small cigars) more than doubling between 2000 and 2017.ⁱⁱⁱ

Findings from the 2024 National Youth Tobacco Survey show that important progress is being made to reduce youth tobacco use in the U.S., but far too many young people still use these highly addictive, dangerous products. Among students who use electronic cigarettes, the vast majority (87.6%) use flavored products, including fruit, candy and mint.^{iv} The tobacco industry knows these flavors appeal to youth and the data show that this sinister strategy works to attract and addict them. Industry also continues to develop new products that lure youth and adolescents. For example, the survey shows almost 500,000 youth use nicotine pouches — many reporting frequent or daily use.^v Like e-cigarettes, these products have appealing flavors with 85.6% of youth who use nicotine pouches using flavored varieties and are heavily marketed to youth and young adults, especially on popular social media platforms.

Menthol cigarettes pose a tremendous public health threat as well. A 2013 FDA report on the health impact of menthol cigarettes determined that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction and decreased success in quitting smoking.^{vi} The prevalence of menthol use is highest among African Americans – 83.1 percent of all African Americans who smoke use menthol cigarettes, compared to 31.6 percent of Whites.^{vii} The most recent Surgeon General’s report on tobacco released in November 2024 focused on tobacco use disparities, including menthol cigarette use and concluded: “Given the disproportionate burden of menthol cigarette use among some population groups, removing menthol cigarettes from the marketplace should also reduce disparities in tobacco initiation, nicotine dependence, cessation success, and tobacco-related health outcomes, especially if policies are comprehensive and equitably implemented.”^{viii}

We must do more to stop these alarming trends and not roll back enforcement of policies that have been protecting Rhode Island kids since 2020. Our organizations stand ready to work with the General Assembly to find permanent solutions that will protect Rhode Island’s youth and young people from a lifetime of tobacco and nicotine addiction. It is critical that our state embraces a comprehensive approach that eliminates the sale of ALL flavored tobacco products; adequately funds tobacco prevention and cessation programs; grants municipalities the authority to protect their youth and residents from this public health emergency; and adequately enforces the Tobacco 21 law. The General Assembly should also levy taxes on electronic cigarettes, nicotine pouches, and all other tobacco products that are on par with the state’s cigarette excise tax.

The General Assembly should stand with the Governor’s office, the Attorney General, Public Health organizations, and all Rhode Island parents by rejecting H.5329 and keeping flavored e-cigarettes away from our kids.

Thank you for your consideration.

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ⁱ Villanti AC, Johnson AL, Ambrose BK, Cummings KM, Stanton CA, Rose SW, Feirman SP, Tworek C, Glasser AM, Pearson JL, Cohn AM, Conway KP, Niaura RS, Bansal-Travers M and Hyland A. Flavored Tobacco Product Use in Youth and Adults: Findings From the First Wave of the PATH Study (2013-2014). *Am J Prev Med.* 2017;53:139-151.

ⁱⁱ Kostygina, G, Glantz, S, & Ling, PM, "Tobacco industry use of flavours to recruit new users of little cigars and cigarillos," *Tobacco Control* 25(1):66-74, January 2016

ⁱⁱⁱ U.S. Alcohol and Tobacco Tax and Trade Bureau (TTB), Tobacco Statistics. December 2000 & December 2017, <https://www.ttb.gov/tobacco/tobacco-stats.shtml>.

^{iv} Centers for Disease Control and Prevention. National Youth Tobacco Survey (NYTS). [Tobacco Product Use Among Middle and High School Students — National Youth Tobacco Survey, United States, 2024 | MMWR](#).

^v Ibid.

^{vi} FDA. Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes (2013).

^{vii} National Survey on Drug Use and Health 2020, 2019-2020, Substance Abuse and Mental Health Data Archive; <https://pdas.samhsa.gov/#/>

^{viii} HHS, *Eliminating Tobacco-Related Disease and Death: Addressing Disparities—A Report of the Surgeon General: Executive Summary*, p. 12. Atlanta, GA, 2024.