

STATE OF RHODE ISLAND



Department of Behavioral Healthcare, Developmental Disabilities & Hospitals

OFFICE OF THE DIRECTOR

14 Harrington Road

Cranston, RI 02920-3080

TEL: (401) 462-3201

FAX: (401) 462-3204

TDD: (401) 462-6087

February 25, 2025

The Honorable Joseph J. Solomon, Jr., Chair
House Committee on Corporations
State House
Providence, RI 02903

RE: 2025 – H 5329 – An Act Relating To Taxation – Cigarette and Other Tobacco Products Tax

Dear Chair Solomon:

I write to express opposition to **H 5329** which would define a “vape shop” and exempt such premises from the current statutory ban on the sale of flavored electronic nicotine-delivery system products. As currently drafted, the bill would apply not only to licensed premises but would extend to “any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of nicotine-delivery system products, liquid nicotine, liquid nicotine containers or vapor products” which would appear to include premises not licensed by the Division of Taxation.

The Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH) is the State agency responsible for coordinating enforcement of the RI Youth Access to Tobacco statute §11-9-13 and holds the FDA contract to enforce provisions of the federal Tobacco Control Act related to the sale of tobacco products to underage individuals. BHDDH also conducts the biennial Rhode Island Student Survey (RISS).

Most electronic nicotine-delivery system products (ENDS), including flavored ENDS products, contain nicotine which is highly addictive and is particularly detrimental to children and youth. According to the 2024 National Youth Tobacco Survey (YTS), 7.8 % of high school students reported current use of ENDS products; and 87.6% of those students reported using flavored ENDS products. The 2024 RISS results show that 5.6% of RI middle school students and 7.1% of high school students report current use of ENDS products; and 13% of those high school students report purchasing the ENDS products from a retail outlet. In addition, 51% report that it is easy for them to obtain ENDS products.

According to publicly available information, between 1/1/2022 and 1/31/2025, the FDA has issued 37 warning letters to and imposed 30 monetary penalties on RI retailers for the sale of ENDS products to individuals under the age twenty-one. During the 2025 RI Synar Survey which was conducted of a statewide sample of licensed tobacco retail outlets, 11.3% of the retailers inspected (RVR) sold to underage individuals.

Just last year, in the FY2025 budget, Governor McKee codified Department of Health regulations to prohibit the sale of flavored ENDS products. These flavored products are known to be appealing to young

people and lead to increased rates of youth vaping. ENDS products continue to be a public health concern, with potential long-term health effects, especially among adolescents whose brains are still developing.

Thank you for the opportunity to comment on this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Leclerc", written in a cursive style.

Richard Leclerc
Director

cc: The Honorable Members of the House Committee on Corporations
The Honorable William W. O'Brien
Nicole McCarty, Esquire, Chief Legal Counsel to the Speaker of the House
Lynne Urbani, Director of House Policy