



The Consumer Advocates for Smoke-free Alternatives Association

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March 5, 2024

RE: H.7225, Article 6, Sections 16-20 - Opposed

Members of the House Finance Committee,

Thank you for the opportunity to write on behalf of our more than 1700 members in Rhode Island expressing our concerns and opposition to the proposal contained in H.7225 to impose a cigarette-style wholesale tax of 80% on low-risk, smoke-free tobacco and nicotine products. This proposal would also codify the current ban on flavored vapor products hastily implemented by the Department of Health in 2020, largely in response to erroneous and dishonest claims that nicotine vapor products were responsible for thousands of lung injuries during the latter half of 2019. Allowing for a variety of flavored, low-risk nicotine products along with keeping these products affordable is vital to encouraging people who smoke to switch to safer alternatives.

The Consumer Advocates for Smoke-free Alternatives Association (CASAA) is a 501(c)(4) nonprofit public health and education NGO and is the leading representative of consumers who use or might in the future use smoke-free tobacco and nicotine products. It is a U.S. membership organization with more than 280,000 members. CASAA advocates on behalf of consumers, and does not represent the interests of industry.

Ostensibly, extra taxes and flavor bans on tobacco products, cigarettes in particular, are intended to reduce consumption and improve public health. But applying cigarette-style taxes and policies to nicotine products that are recognized by the US FDA as low on the continuum of risk sends a confusing and inaccurate message to consumers that smoke-free products are just as or more harmful than smoking. Moreover, tax equalization across tobacco products risks protecting sales of combustible cigarettes as reduced harm products are losing any price advantage they may have prior to being subject to an extra tax. Research is showing that treating low-risk, smoke-free products, such as vaping and nicotine pouches, in the same manner as combustible tobacco products actually discourages people from quitting smoking and does not prevent youth experimentation with nicotine in a meaningful way.

Counter to claims typically made by supporters of similar legislation, analysis of smoking prevalence across all age groups reveals that the availability of vapor products is contributing to *accelerated* declines. According to a report published by the Progressive Policy Institute, the availability of vapor products can be credited with 60% to 80% of the accelerated decline in

smoking.¹ Indeed, research is confirming that people who use vapor products as a means to quit smoking are more likely to succeed.²

Anti-cigarette-style regulation applied to low-risk alternatives will deprive people who smoke access to life saving products.

- **The availability of affordable smoke-free nicotine products is helping millions of people quit smoking.**

It is very disappointing that some of the comments the committee will hear on this legislation callously dismiss the experiences of millions of people who quit smoking³, or are on their way to living smoke-free by switching to a safer nicotine product like vaping and nicotine pouches. You are being asked to disbelieve the experiences of surgical patients who will have better outcomes after switching to vaping,⁴ parents and grandparents who will be around longer for their children, and young adults who are quitting before lasting damage is done, or who will never take up smoking because vaping is a better, safer alternative to combustible cigarettes.⁵

You are right to be skeptical of claims that smoke-free nicotine products are unhelpful because just as we all know someone who has died early due to smoking, we are also increasingly more likely to know someone who quit by switching. Enjoyable, flavored products are being linked to positive outcomes in both people trying to quit^{6 7} and those who quit by accident.⁸

¹ PPI, "The Impact of Electronic Cigarettes on Cigarette Smoking By Americans and Its Health and Economic Implications." July 2019. Accessed from

<https://www.progressivepolicy.org/wp-content/uploads/2019/08/ECigaretteStudy.pdf> on Feb. 1, 2023.

² Hajek, P., Phillips-Waller, A., Przulj, D., Pesola, F., Myers Smith, K., Bisal, N., Li, J., Parrott, S., Sasieni, P., Dawkins, L., Ross, L., Goniewicz, M., Wu, Q., & McRobbie, H. J. (2019). A randomized trial of e-cigarettes versus nicotine-replacement therapy. *New England Journal of Medicine*, 380(7), 629–637. <https://doi.org/10.1056/nejmoa1808779>

³ Clive Bates, *The Counterfactual, E-cigarette risk perceptions – an American crime scene*, February 3, 2022. Accessed from <https://clivebates.com/e-cigarette-risk-perceptions-an-american-crime-scene/>, February 8, 2022.

⁴ Nolan M, Leischow S, Croghan I, et al. Feasibility of Electronic Nicotine Delivery Systems in Surgical Patients. *Nicotine Tob Res*. 2016;18(8):1757-1762. doi:10.1093/ntr/ntw003

⁵ Zhu S, Zhuang Y, Wong S, Cummins S E, Tedeschi G J. E-cigarette use and associated changes in population smoking cessation: evidence from US current population surveys *BMJ* 2017; 358 :j3262 doi:10.1136/bmj.j3262

⁶ Friedman AS, Xu S. Associations of Flavored e-Cigarette Uptake With Subsequent Smoking Initiation and Cessation. *JAMA Netw Open*. 2020;3(6):e203826. doi:10.1001/jamanetworkopen.2020.3826

⁷ Eva C. Rest, Kristin N. Brikmanis, Robin J. Mermelstein, Preferred flavors and tobacco use patterns in adult dual users of cigarettes and ENDS, *Addictive Behaviors*, Volume 125, 2022, 107168, ISSN 0306-4603, <https://doi.org/10.1016/j.addbeh.2021.107168>.

(<https://www.sciencedirect.com/science/article/pii/S0306460321003531>)

⁸ Kasza KA, Edwards KC, Kimmel HL, et al. Association of e-Cigarette Use With Discontinuation of Cigarette Smoking Among Adult Smokers Who Were Initially Never Planning to Quit. *JAMA Netw Open*. 2021;4(12):e2140880. doi:10.1001/jamanetworkopen.2021.40880

- **Extra Taxes on smoke-free products discourage smoking quit attempts and protect sales of cigarettes.**

According to a working paper published by the National Bureau of Economic Research (NBER), Minnesota's 2009 imposition of a 95% tax on just nicotine in vapor products is linked to discouraging more than 32,000 people who smoke from quitting.⁹ Moreover, punitive actions such as imposing extra taxes and burdensome regulations risks consolidating the alternative nicotine market into the hands of incumbent and massive cigarette companies—something we are already witnessing at the national level due to FDA's roll-out of new tobacco regulations. The products made by these companies do not support a vibrant, independent, consumer-driven market, which is responsible for helping millions of people around the world quit smoking.

- **Vapor product specialty shops (vape shops) play a vital role in helping people who smoke switch to a low-risk alternative.**

Vape shops are a source of peer-to-peer support that is not effectively replicated by current tobacco control interventions. Vape shops provide knowledgeable staff who offer individualized attention to help customers find devices and e-liquid flavors that will help them successfully make the switch. Just as important, vape shops provide a space for peer-to-peer support for people who used to smoke and people who are transitioning to a smoke-free product.

By way of background, vapor retailers and manufacturers in the United States are prohibited by federal law from marketing e-cigarettes as smoking cessation products or even less harmful than cigarettes.¹⁰ Customers, however, are bound by no such law. It is not uncommon to hear customers exchange successful quit smoking stories between one another in a vape shop. To the casual observer, sharing such a story might not seem like much, but between people who are recovering from a multiyear or multi-decade cigarette addiction, it can mean the difference between living a smoke-free life or returning to the devil they know.

By comparison, vapor retailers in the United Kingdom are not subject to the same limitations on marketing communication in face-to-face transactions. Research conducted in the UK demonstrates that people who shop for vapor products in specialty vapor shops have a remarkable quit rate of >40% after 12 months.¹¹ Other than quitting "cold turkey," no other smoking cessation intervention comes close to the success rate found in the UK. And while the

⁹ Saffer, et. al. "E-Cigarettes and Adult Smoking: Evidence from Minnesota." NBER Working Paper 26589, December 2019. Accessed from <https://www.nber.org/papers/w26589>, Feb. 1, 2023.

¹⁰ 21 USC 387k: Modified risk tobacco products, accessed from <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section387k&num=0&edition=prelim>

¹¹ Polosa, Riccardo et al. "Quit and smoking reduction rates in vape shop consumers: a prospective 12-month survey" *International journal of environmental research and public health* vol. 12,4 3428-38. 24 Mar. 2015, doi:10.3390/ijerph120403428

The Consumer Advocates for Smoke-free Alternatives Association

retail environment studied in the UK is not a 1:1 match with vapor shops in the United States, when we consider customer-to-customer interactions within the retail environment, which are not regulated by federal law, it stands to reason that the results found in the UK may be generalizable to consumers in the United States.

Recommendations

- We urge committee members to refocus their attention on the most pressing concern of reducing the early death and disease attributed to smoking by seeking ways the state can help promote safer alternatives to people who smoke.
- Effective substance use prevention starts by empowering young people with strong social skills, critical thinking, and healthy coping strategies. People are generally resourceful and, historically, find ways to circumvent prohibitions on tobacco, drugs, and alcohol. Strong life skills training during adolescence has a greater potential to positively shape a young person's life well into adulthood.
- Rhode Island consistently spends only a small fraction of the amount recommended by the Centers for Disease Control on tobacco prevention.¹² Arguably, the state hasn't given existing tobacco prevention strategies a chance to succeed. We assert here that if the State of Rhode Island believes that traditional tobacco control strategies are effective, then compliance and enforcement should be fully funded.

Thank you for considering our comments.

Sincerely,



Alex Clark

CEO

The Consumer Advocates for Smoke-free Alternatives Association

¹² Lindsey Stroud, Taxpayers Protection Alliance, "Tobacco & Vaping 101: Rhode Island." Jan. 2024, accessed from <https://www.protectingtaxpayers.org/analysis/tobacco-vaping-101-rhode-island-4/>, March 4, 2024.