



March 5, 2024

Testimony on Rhode Island [HB 7225](#) — “MAKING APPROPRIATIONS FOR THE SUPPORT OF THE STATE FOR THE FISCAL YEAR ENDING JUNE 30, 2025”

Dear Chairs and Members of the Rhode Island House Committee on Finance,

My name is Elizabeth Hicks and I am the US Affairs Analyst of the consumer advocacy group Consumer Choice Center.

There are sections ([3](#), [6](#), [16-20](#)) within HB 7225 which are a great cause of concern for consumers as a ban on flavored vaping products and increase in taxes on vaping products will do more harm than good if passed.

Enacting a flavor ban on vaping products will push adult consumers to switch back to smoking combustible tobacco. Sadly, 1,800 citizens of Rhode Island lose their lives to smoking-related illnesses every year. Considering that [studies have shown vaping to be 95% less harmful than smoking](#) and that adults who use flavored vaping products are [2.3 times more likely](#) to quit smoking cigarettes, ensuring that adult consumers have access to the vaping products they prefer will ultimately lead to fewer cigarette smoking-related deaths in Rhode Island.

About 6% of Rhode Island's adult population uses vaping products, accounting for over 63,000 citizens throughout your districts who have switched to a healthier alternative to combustible tobacco. Banning flavored vaping products will encourage these individuals to switch back to smoking cigarettes, and will ultimately lead to increases in smoking-related healthcare costs, which are already costing Rhode Island's taxpayers over \$216 million annually through Medicaid expenses

Furthermore, while this bill is intended to protect youth from tobacco use, [data from the Journal of the American Medicine Association](#) shows that when flavored vaping products are banned, combustible smoking rates **increase** for youth aged 18 and younger. This unintended consequence would only exacerbate the problem Rhode Island is trying to fix, while simultaneously harming adult consumers, making this particular bill unviable in achieving its desired outcomes.

Additionally, if a flavor ban is enacted in Rhode Island, then consumers will look towards the illicit market in order to get access to their preferred flavored vaping products. This presents serious concerns for public health in the state as vapers will be purchasing unregulated products that do not necessarily adhere to regulatory standards. Additionally, the illicit market does not abide by age restrictions therefore making it much easier for youth to acquire these products illegally.

Other states have implemented flavor bans and the results weren't quite what public health officials were hoping for. Massachusetts was one of the first states to enact a ban on flavored vaping products in 2019. Since the ban went into effect in 2020, the state's [Multi-Agency Illegal Task Force](#) admitted that the ban had created a new market for





hundreds of millions of dollars worth of illicit counterfeit tobacco products brought in from states such as New Hampshire. Additionally, the ban [resulted](#) in substantially lower earnings for Massachusetts store owners and employees and over \$114 million in lost tax revenue for the state.

California enacted a state-wide flavor ban for cigarettes and vaping products in 2022. A [recent study](#) looking at the effects of the California ban by analyzing empty discarded packs, found that the ban had little effect on product availability considering 98% of the vaping products found were flavored. Frighteningly, international smuggling from China has helped fill the void with over 9,000 different vaping devices being illegally sold in the US, areas with flavor bans being particularly lucrative places to sell.

In regard to combustible cigarettes, researchers found that after the California ban had taken effect, menthol products and menthol work-around products continue to make up over 21% of the marketplace. Whereas before the ban went into effect, menthol cigarettes made up a little over 24% of the marketplace, meaning the ban had little effect on consumer access. Again, international smuggling through the illicit market has helped fill the void for consumer demand. One of the most-found brands, Sheriff, is known to be trafficked by Mexican cartels. It made up over 5% of the sample examined in the study, which suggests that tens of millions of packs have illegally entered California since the ban went into effect.

Our goal should be to expand adult's choices to quit combustible tobacco, not to limit them severely. Sweden is a great example as to how tobacco harm reduction policies reduce smoking related deaths and illnesses. Perhaps Rhode Island could follow in the footsteps of Sweden, which the World Health Organization has [announced](#) will likely become the first smoke-free country. Instead of implementing prohibitionist policies like bans, the Swedish government made sure to keep taxes low on nicotine alternatives like vaping, snus, and nicotine pouches while allowing a **full range of flavors** for adult consumers. These policies have [resulted](#) in smoking rates declining by 55 percent in the last decade, smoking-related death average dropped to 22 percent lower than the European Union average, cancer incidence is 41 percent lower and total deaths from cancer is 38 percent lower than the rest of Europe. As a recent cancer survivor myself, I sincerely encourage legislators to embrace similar policies to Sweden's to ensure we are taking tangible steps to reduce cancer incidence for your constituents.

The fear I have if HB 7225 is adopted, is that the state will move quickly to deprive adult consumers of these less risky options, unaware of the severe repercussions and harm that it would cause to both adult consumers and youth.

Our policies must be fair, just, and based on scientific evidence. I believe this body, composed of diverse legislators from the entire state, can help make that determination for the residents who depend on you to protect their consumer choice, especially when it comes to less harmful products. **We respectfully urge you to vote against HB 7225.**

Thank you for your attention to this matter.

Sincerely,





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