

**Testimony before the Rhode Island House Committee on Health and Human Services
Regarding Banning the Sale of Flavored Vapor Products**

**Lindsey Stroud, Director
Consumer Center
Taxpayers Protection Alliance**

April 5, 2022

Chairman Casey, Vice-Chairs McLaughlin and Donovan, Members of the Committee:

Thank you for your time today to discuss the issue of banning the sale of flavored vapor products. My name is Lindsey Stroud, and I am Director of The Taxpayers Protection Alliance's (TPA) Consumer Center. TPA is a non-profit, non-partisan organization dedicated to educating the public through the research, analysis and dissemination of information on the government's effects on the economy. TPA's Consumer Center focuses on providing up-to-date information on adult access to goods including alcohol, tobacco and vapor products, as well as regulatory policies that affect adult access to other consumer products, including harm reduction, technology, innovation, antitrust and privacy.

Introduction and Summary Points:

Across the country, many lawmakers have proposed banning the sale of flavored vapor products in an effort to reduce youth use. While such efforts are laudable, policymakers should refrain from excessive prohibition when addressing such issues.

Despite alarmism, electronic cigarettes are effective tobacco cessation products that have helped thousands of Rhode Island adults quit combustible cigarettes and flavors are essential in this use. Although youth use of vapor products is concerning, lawmakers must refrain from alarmist efforts that would restrict access to flavors. Rather than prohibition, lawmakers ought to invest already-existing tobacco monies to fund robust tobacco control programs including cessation efforts, education, and youth prevention campaigns.

- Among current high school e-cigarette users, flavors are not the most commonly-cited reason for use.
- In 2019, among current high school e-cigarette users in Rhode Island, only 4.5 percent reported using e-cigarettes because of flavors. Conversely, 12.5 percent reported using e-cigarettes because friends or family members used them, and 15.9 percent cited “other.”
- This is similar to other state youth surveys on tobacco and vapor product use that overwhelmingly cite “friends/family” and “curiosity” as reasons for e-cigarette use.
- Most youths rely on social sources and not vapor product retailers to obtain e-cigarettes. In 2019, 12.4 percent of Rhode Island high school students reported borrowing e-cigarettes, compared to 7.6 percent that had bought them.

- Combustible cigarette use among Rhode Island high schoolers are at record lows. In 2019, 4.2 percent reported current use of cigarettes, a 88.1 percent decrease from 1997.
- Nationally, current vapor product use among high school students has declined by 41.8 percent since 2020 and by 58.9 percent since 2019 when 27.5 percent reported using e-cigarettes on at least one occasion in the 30 days prior to the survey.
- Rhode Island spends very little of existing tobacco monies on tobacco control programs.
- In 2020, the Ocean State collected \$129 million in state cigarette excise taxes and \$41.5 million in tobacco settlement payments, yet allocated only \$400,000 (0.2 percent) to tobacco control. In 20 years, for every \$100 the state received in tobacco-related payments, it spent \$0.80 funding tobacco control programs.
- Rhode Island vapor product retailers do a good job in not selling to minors. Between 2017 and 2021, only two vape and tobacco shop retailers were issued orders from the FDA for selling to minors. This accounts for 7.4 percent of all vape shop retail inspections, 2.3 percent of e-cigarette violations, 0.3 percent of retail violations and 0.02 percent of all inspections.
- Rhode Island's vaping industry created \$59.5 million in economic activity in 2021 while generating 260 direct vaping-related jobs and contributed more than \$4.6 million in state taxes.
- Anti-vaping efforts have had mixed effects on the industry's economic impact. The number of employees decreased by 4.1 percent from 271 employees in 2018. Overall economic activity increased by only 10 percent from \$54.1 million in 2018.
- There are currently more than 420,000 vapor products that are in a “regulatory limbo” in that the FDA has not issued a marketing order but it has not issued a denial. Further, all products using synthetic nicotine have until May 14, 2022, to submit a premarket tobacco product application to the FDA for authorization.
- E-cigarettes’ market emergence is associated with low young adult smoking rates. In 2020, among current smokers in Rhode Island, only seven percent current smokers were 18 to 24 years old – a 62.6 percent decrease from 2010. Further, since 2016, smoking rates among young adults have decreased by 23.9 percent.
- Policymakers should be wary of the effects of flavor bans as localized flavor bans have led to an increase in youth combustible cigarette use. In 2018, San Francisco, Calif., banned the sale of flavored e-cigarettes. In fact, in 2019, 18.6 percent of San Francisco high school students reported ever trying e-cigarettes – an 11.4 percent increase from 2017’s rate of 16.7 percent.

Youth Use of Tobacco and Vapor Products is Declining

The most recent data on youth tobacco and vapor product use in Rhode Island comes from the 2019 Youth Risk Behavior Survey (YRBS).¹ In 2019, 48.9 percent of Rhode Island high school

students reported ever trying e-cigarettes, 30.1 percent reported past month use, and 7.3 percent reported using vapor products daily.

It is worthy to note that youth combustible cigarette use is at an all-time low. In 2019, 17.5 percent of Rhode Island high school students reported ever trying cigarettes, a 74.7 percent decrease from 1997 when 69.1 percent of high school students had tried cigarettes. Further, past month use of combustibles has decreased 88.1 percent from 35.4 percent in 1997 to 4.2 percent in 2019. Daily cigarette use has decreased 90 percent from 16 percent of high school students that reported daily cigarette use in 1997 to 1.6 percent in 2019.

(See Supplemental Graphs 1.1)

While state-specific results for the 2021 YRBS are not yet available, national youth surveys indicate that youth vapor product use has declined since 2019.

In 2021, according to the National Youth Tobacco Survey, an estimated 11.3 percent of high school students and 2.8 percent of middle school students reported having used a vapor product on a least one occasion in the month prior to the survey.² Further, only 3.1 percent of high school students and less than one percent of middle schoolers reported daily e-cigarette use. The rate of decline is remarkable: among high school students, vaping rates have declined by 41.8 percent since 2020 and by 58.9 percent since 2019, when 27.5 percent reported using e-cigarettes.

(See Supplemental Graph 1.2)

Like Other State Surveys, Flavors Are Not Driving Reason for Rhode Island Youth E-Cigarette Use

If lawmakers want to address youth use of vapor products, they should understand the reasoning why youth use such products. According to numerous state-level youth surveys, including Rhode Island's YRBS, flavors are not the number one reason why youth use e-cigarettes and vapor products.

According to the 2019 YRBS, among all high school students, only 4.5 percent reported using e-cigarettes because of flavors.³ Conversely, 12.5 percent reported using e-cigarettes because a friend and/or family member had used them and 15.9 percent cited "some other reason."

Moreover, fewer students reported "flavors" as a reason for e-cigarette use in 2019 than in 2017. In fact, in 2017, 7.4 percent of high school students reported flavors, while 9.3 percent reported "other" and 11.6 had used e-cigarettes because a friend and/or family member used them.⁴

While the data is not available, students were asked about reasons for e-cigarette use during the 2021 YRBS with additional questions including – "To get a high or buzz from nicotine" and "feeling anxious, stressed, or depressed."⁵ Those questions were not asked in prior surveys.

Lawmakers should wait for those results to determine if, in fact, that flavors are the main reason why youth use vapor products.

(See Supplemental Graph 1.3)

Similar to Rhode Island, other state youth surveys indicate that flavors are not the underlying reason for youth e-cigarette use.

In 2019, among Colorado high school students that were current e-cigarette users, 18.4 percent had used e-cigarettes because of flavors, while 45.5 percent reported using e-cigarettes because a friend and/or family member had used them.

In 2019, among all Connecticut high school students, 5.2 percent reported using e-cigarettes because of “flavors,” 18.2 percent cited “other,” and 12.9 percent reported using e-cigarettes because of friends and/or family.⁶

In 2017, among Hawaiian high school students that had ever used e-cigarettes, 26.4 percent cited flavors as a reason for e-cigarette use, compared to 38.9 percent that reported “other.”⁷

Among highschoolers in Maryland that used e-cigarettes, when asked about the “main reason” for using e-cigarettes only 3.2 percent responded “flavors.”⁸ Conversely, 13 percent reported because “friend/family used them,” 11.7 percent reported “other,” and 3.8 percent reported using e-cigarettes because they were less harmful than other tobacco products.

In 2019, among all Montana high school students, only 7 percent reported using vapor products because of flavors, compared to 13.5 percent that reported using e-cigarettes because of “friend or family member used them.”⁹ Further, 25.9 percent of Montana high school students reported using vapor products for “some other reason.”

In 2019, among high school students that were current e-cigarette users, only 10 percent of Vermont youth that used e-cigarettes cited flavors as a primary reason for using e-cigarettes, while 17 percent of Vermont high school students reported using e-cigarettes because their family and/or friends used them.¹⁰

In 2019, among all Virginia high school students, only 3.9 percent reported using e-cigarettes because of flavors, 12.1 used for some other reason, and 9.6 used them because of friends and/or family members.¹¹

(See Supplemental Graph 1.4)

Rhode Island Youth Rely on Social Sources for E-Cigarettes

Ultimately, bans on flavored vapor products will harm both adult consumers and responsible retailers, without addressing how youth access vapor products.

According to the 2019 Rhode Island YRBS, only 7.6 percent of all high school students reported buying e-cigarettes in a store.¹² Conversely, 12.4 percent borrowed them from others.

This is similar to other youth state surveys.

In Hawaii, in 2017, only 9.2 percent of high schoolers reported buying vapor products in a vape shop or specialty e-cigarette.¹³ While 63.7 percent reported getting e-cigarettes from friends and 29.1 percent reported obtaining e-cigarettes from a family member.

According to Montana's 2021 YRBS, only two percent of high school students reported getting vapes from a vape shop.¹⁴ Conversely, 15.7 percent borrowed them from a friend and/or family member.

In Vermont, in 2019, only six percent of high school students under 18 years of age reported buying e-cigarettes from a store, while 52 percent reported borrowing them and 26 percent reported they had given someone else money to buy them.¹⁵

Finally, in 2019 in Virginia, only 2.1 percent of high schoolers reported buying vapor products in a store, compared to 8.4 percent that had borrowed them.¹⁶

Similar to the 2021 results for flavors, Rhode Island's 2021 YRBS goes into more detailed questions on youth sources for e-cigarette products, including distinguishing the difference between vape shops and convenience stores. Lawmakers should refrain from prohibitionist policies before seeing the results of the survey.

Vapor Product Emergence Correlates to Significant Declines in Young Adult Smoking Rates

Electronic cigarettes and vapor products were first introduced to the U.S. in 2007 "and between 2009 and 2012, retail sales of e-cigarettes expanded to all major markets in the United States."¹⁷ Moreover, between September 2014 and May 2020, e-cigarette sales in the U.S. increased by 122.2 percent.¹⁸

Examining data from the CDC's BRFSS finds that e-cigarettes' market emergence has coincided with a significant reduction in smoking rates among young adults.

In 1998, among current adult smokers, 29.8 percent were 18 to 24 years old. In 2008, this had decreased by 27.9 percent to 21.5 percent of adult smokers in Rhode Island being between 18 to 24 years old.

In the years after e-cigarette's market emergence in the early 2010s, smoking rates among current smokers aged 18 to 24 years decreased by 62.6 percent. Indeed, in 2010, among current smokers in Rhode Island, 18.7 percent were between 18 to 24 years old. In 2020, only seven percent of current smokers were 18 to 24 years old.

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Interestingly, e-cigarettes' market emergence was associated with greater declines in average annual percent decreases. Between 1998 and 2008, the percentage of current smokers aged 18 to 24 years old increased on average by 2.3 percent each year. Between 2010 and 2020, annual percentage decreases average at 7.4 percent.

Further, since 2016, smoking rates among adults aged 18 to 24 years in the Ocean State have decreased by 23.9 percent, with an average annual decrease of 5.7 percent.

Electronic Cigarette Regulation in the United States

E-cigarettes were first sold in the United States in 2007.

In 2008, FDA tried to ban imports of e-cigarettes. FDA officials argued they were unapproved drug delivery devices. FDA then blocked a shipment of e-cigarettes by Sottera, Inc., the manufacturer of NJOY, an early cig-alike. In April 2009, Sottera filed a lawsuit challenging the ban, and in December 2012, the U.S. Court of Appeals ruled "e-cigarettes could be regulated as tobacco products under the 2009 Family Smoking Prevention and Tobacco Control Act," while dismissing FDA's original attempt to regulate e-cigarettes as a drug delivery device, which would have banned them from U.S. markets.¹⁹

In 2016, FDA issued deeming regulations that extended the agency's regulatory authority to include electronic cigarettes and other THR products.²⁰ All companies "engaged in the preparation, manufacture, compounding, repackaging, relabeling or processing of finished tobacco products" now must register with FDA.²¹

All vapor manufacturers, including e-liquid and hardware, were required to submit a premarket tobacco product application (PMTA) by September 9, 2020, in order to market their products in the United States. Companies that submitted PMTAs had approximately one year to legally market their products before the agency either approved or denied their applications.

In September, 2021, the FDA issued nearly 1 million marketing denial orders (MDOs) for flavored e-liquid products.²² Due to legal actions taken against the agency, the FDA has refrained from issuing additional MDOs. Further, over 100 companies remain legally for sale as the FDA has not issued any order for and/or against their products.²³ To date, only two e-cigarette companies have received a marketing order using the PMTA pathway. There are over 420,000 vapor products that are in a "regulatory limbo" in that they have not been authorized by the FDA, nor have they been issued denials.

On March 15, 2022, President Joe Biden signed the omnibus budget bill (H.R. 2741), which included an amendment that gives the FDA authority over regulating synthetic nicotine products.

Many of the aforementioned companies switched to synthetic nicotine after the FDA issued denial orders for their products, but the legislation was put into place to address both youth use

of the growing disposable e-cigarette market and not open-sourced vapor products, which youth are not overwhelmingly using.

Under the new regulatory authority, companies must have been marketing their products by April 14, 2022 in order to legally market their product for another 30 days, until May 14, 2022. Manufacturers wishing to remain on the market must submit a PMTA to the FDA by May 14, 2022. Companies that have submitted a PMTA by the deadline can remain on the market for another 90 days, or until July 13, 2022. After the July deadline, FDA must have authorized the applications in order for the products to remain on the market.

Due to the self-imposed time constraints and problems with the new federal regulations, many manufacturers are actively seeking litigative routes.

(See Supplemental Graph 1.5)

Adult Vaping Rates

Despite providing annual data on cigarette and smokeless tobacco use, the CDC's BRFSS only reports on adult e-cigarette use for 2016 and 2017.

In 2017, according to the BRFSS, 4.9 percent of Rhode Island adults were current e-cigarette users. Similar to income status among smokers, lower income persons are more likely to use vapor products. In 2017, among current adult e-cigarette users, 14.2 percent reported household incomes of \$25,000 or less per year. Conversely, only five percent reported earning \$50,000 a year or more.

Economic Impact of Vaping in Rhode Island

In 2021, according to the analysis by the Vapor Technology Association, the industry created 260 direct vaping-related jobs in Rhode Island. These jobs generated more than \$9.6 million in wages.²⁴ Moreover, the industry has created hundreds of secondary jobs in the Ocean State, bringing the total economic impact in 2021 to \$59.5 million. In the same year, Rhode Island received more than \$4.6 million in state taxes attributable to the vaping industry.

Unfortunately, efforts by anti-vaping organizations and policymakers have negatively affected vape shops in the Ocean State. The number of employees has decreased by 4.1 percent from 271 in 2018 to 260 in 2021.²⁵ Overall, the economic output from the vaping industry in Rhode Island increased by only 10 percent from \$54.1 million in 2018 to \$59.5 million in 2021.

(See Supplemental Graph 1.6)

Robust Tobacco Control Funding – Not Bans – to Address Youth Tobacco and Vapor Product Use

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Between 2000 and 2020, Rhode Island collected an estimated \$2.5 billion in cigarette taxes.²⁶ During the same 20-year period, the Ocean State increased the tax rate on cigarettes eight times. The last tax increase raised the rate by \$0.50, to \$4.25 per pack.

One tax increase did lead to an immediate 3.7 percent increase in cigarette tax revenue the year after the tax was imposed, but this has steadily declined in the long-term. Between 2017 and 2020, cigarette tax revenue declined on average by 1.5 percent annually. In 2020, Rhode Island collected \$129 million in cigarette tax revenue, a 6.3 percent decrease from the \$137.6 million in cigarette tax revenue that was collected in 2016.

In the mid-1990s, Rhode Island sued tobacco companies to reimburse Medicaid for the costs of treating smoking-related health issues. And, in 1998 with 45 other states, the Ocean State reached “the largest civil litigation settlement in U.S. history” through the Master Settlement Agreement (MSA).²⁷

Under the MSA, states receive annual payments – in perpetuity – from the tobacco companies, while relinquishing future claims against the participating companies. Between 2000 and 2020, Rhode Island collected \$1 billion in MSA payments.²⁸

Tobacco taxes and tobacco settlement payments are justified to help offset the costs of smoking, as well as prevent youth initiation. Like most states, Rhode Island spends very little of existing tobacco moneys on tobacco control programs – including education and prevention.

Between 2000 and 2020, Rhode Island allocated only \$26.3 million in state funds towards tobacco control programs.²⁹ This is 1.1 percent of what the state collected in cigarette taxes in the same 20-year time span and 2.6 percent of MSA payments. In total, in 20 years, Rhode Island allocated only 0.8 percent of what the state received in tobacco taxes and settlement payments towards tobacco education and prevention efforts. In essence, for every \$100 received in tobacco-related taxes and settlement payments, the state spent \$0.80 funding tobacco control programs.

(See Supplemental Graph 1.7)

Rhode Island Retailers Do Good Job Not Selling to Minors

The U.S. Food and Drug Administration (FDA) regularly performs tobacco compliance checks in which the agency uses a minor to attempt to purchase tobacco products including cigars, cigarettes, e-cigarettes, and smokeless tobacco.³⁰

From March 2012 to December 2021, FDA conducted 11,866 inspections in tobacco retailers located in the Ocean State. Only 766, or 6.5 percent, resulted in the sales of tobacco products to minors.

Of the sales to minors, 546 (71.3 percent of violations and 4.6 percent of inspections) were sales of cigarettes, 108 (14.1 percent of violation and 0.9 percent of inspections) were sales of cigars, and 87 (11.4 percent of violations and 0.7 percent of inspections) were sales of e-cigarettes and vape products and 25 (3.3 percent of violations and 0.2 percent of inspections) were sales of smokeless tobacco products.

Of retailers with “vape” in their retail name, the FDA conducted inspections on 27 such retailers, including standalone vape shops and vape and tobacco stores. Of the inspections, two resulted in sales to minors. Vape shops with e-cigarette violations made up only 7.4 percent of retail vape shop inspections, 2.3 percent of e-cigarette violations, 0.3 percent of all retail violations and 0.02 percent of all inspections.

(See Supplemental Graphs 1.8)

Flavor Bans Lead to Increased Combustible Cigarette Use

Flavor bans have had little effect on reducing youth e-cigarette use and may lead to increased combustible cigarette rates, as evidenced in San Francisco, California.³¹

In April 2018, a ban on the sale of flavored e-cigarettes and vapor products went into effect in San Francisco and in January, 2020, the city implemented a full ban on any electronic vapor product. Unfortunately, these measures have failed to lower youth tobacco and vapor product use.

Data from an analysis of the 2019 Youth Risk Behavior Survey show that 16 percent of San Francisco high school students had used a vapor product on at least one occasion in 2019 – a 125 percent increase from 2017 when 7.1 percent of San Francisco high school students reported using an e-cigarette.³² Daily use more than doubled, from 0.7 percent of high school students in 2017, to 1.9 percent of San Francisco high school students reporting using an e-cigarette or vapor product every day in 2019.

Worse, despite nearly a decade of significant declines, youth use of combustible cigarettes seems to be on the rise in Frisco. In 2009, 35.6 percent of San Francisco high school students reported ever trying combustible cigarettes. This figure continued to decline to 16.7 percent in 2017. In 2019, the declining trend reversed and 18.6 percent of high school students reported ever trying a combustible cigarette. Similarly, current cigarette use increased from 4.7 percent of San Francisco high school students in 2017 to 6.5 percent in 2019.

An April 2020 study in *Addictive Behavior Reports* examined the impact of San Francisco's flavor ban on young adults by surveying a sample of San Francisco residents aged 18 to 34 years.³³ Although the ban did have an effect in decreasing vaping rates, the authors noted "a significant increase in cigarette smoking" among participants aged 18 to 24 years old.

(See Supplemental Graph 1.7)

Other municipal flavor bans have also had no effect on youth e-cigarette use.³⁴ For example, Santa Clara County, California, banned flavored tobacco products to age-restricted stores in 2014. Despite this, youth e-cigarette use *increased*. In the 2015-16 California Youth Tobacco Survey (CYTS), 7.5 percent of Santa Clara high school students reported current use of e-cigarettes. In the 2017-18 CYTS, this *increased* to 10.7 percent.

Further, studies have found that banning flavors in e-cigarettes leads to subsequent combustible cigarette use. A 2018 study published in *Tobacco Control* found that banning flavored "e-cigarettes alone would likely increase the choice of cigarettes in smokers."³⁵ A July, 2021 survey in *Nicotine & Tobacco Research* found that one-third (33.2 percent) of survey respondents would "likely switch to [combustible] cigarettes" if flavors were banned in e-cigarettes.³⁶

In August 2021, an article in *American Journal of Public Health (AJPH)* co-authored by 15 past presidents of the Society for Research on Nicotine and Tobacco (SRNT). This prime academic global organization involved with nicotine and tobacco evidence-based research warned that: "Because both youth and adult smokers find e-cigarette flavors attractive, banning all (or most) flavors risks reducing smokers' use of e-cigarettes to quit smoking at the same time that it reduces youth vaping."³⁷

Health Effects of Electronic Cigarettes and Vapor Products

Despite recent media reports, e-cigarettes are significantly less harmful than combustible cigarettes. Public health statements on the harms of e-cigarettes include:

Public Health England (PHE): In 2015, a landmark report relying on 185 studies and produced by PHE (a leading health agency in the United Kingdom), found "that using [e-cigarettes are] around 95% safer than smoking," and that their use "could help in reducing smoking related disease, death and health inequalities."³⁸ In 2018, the agency reiterated their findings, finding vaping to be "at least 95% less harmful than smoking."³⁹

As recent as February 2021, PHE provided the latest update to their ongoing report on the effects of vapor products in adults in the UK. The authors found that in the UK, e-cigarettes were the "most popular aid used by people to quit smoking [and] ... vaping is positively associated with quitting smoking successfully."⁴⁰

The Royal College of Physicians (RCP): In 2016, RCP found the use of e-cigarettes and vaping devices "unlikely to exceed 5% of the risk of harm from smoking

tobacco.”⁴¹ RCP is another United Kingdom-based public health organization, and the same group which was the first to highlight the link between smoking and lung cancer, and other tobacco related diseases, in 1962.

The National Academies of Sciences, Engineering, and Medicine: In January 2018, the academy noted “using current generation e-cigarettes is less harmful than smoking.”⁴²

Cochrane Review: Researchers at the Tobacco Addiction Group analyzed studies that examined the effects of e-cigarettes in helping smokers quit. The researchers found 61 studies that had over 16,700 adults that had smoked. The studies compared the instances of quitting smoking using e-cigarettes to other nicotine replacements including nicotine replacement therapy, nicotine-free e-cigarettes, behavioral support and others. Of the available evidence, the authors found that more people “probably stop smoking for at least six months using nicotine e-cigarettes than using nicotine replacement therapy … or nicotine-free e-cigarettes.” The authors also found that e-cigarette “may help more people to stop smoking than no support or [behavioral] support only.”⁴³

Society for Research on Nicotine and Tobacco (SRNT): An article in August 2021 co-authored by 15 past presidents of the SRNT reported that “Many scientists have concluded that vaping is likely substantially less dangerous than smoking”. Furthermore, they found that “A growing body of evidence indicates that vaping can foster smoking cessation” and warned “Studies have found that policies intended to restrict e-cigarette use may have unintentionally increased cigarette smoking”.⁴⁴

Conclusion & Summary Points

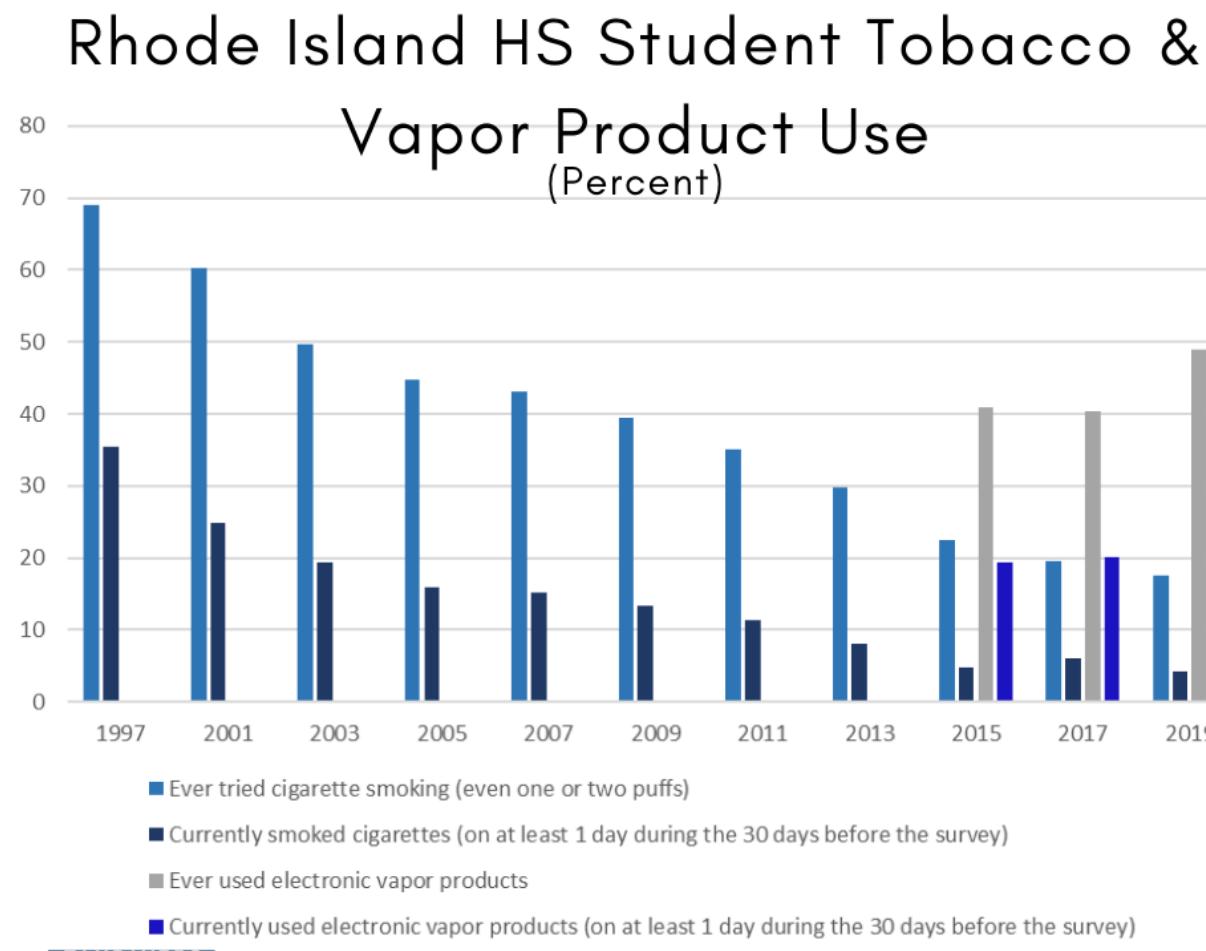
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- Among current high school e-cigarette users, flavors are not the most commonly-cited reason for use.
- In 2019, among current high school e-cigarette users in Rhode Island, only 4.5 percent reported using e-cigarettes because of flavors. Conversely, 12.5 percent reported using e-cigarettes because friends or family members used them, and 15.9 percent cited “other.”
- This is similar to other state youth surveys on tobacco and vapor product use that overwhelmingly cite “friends/family” and “curiosity” as reasons for e-cigarette use.

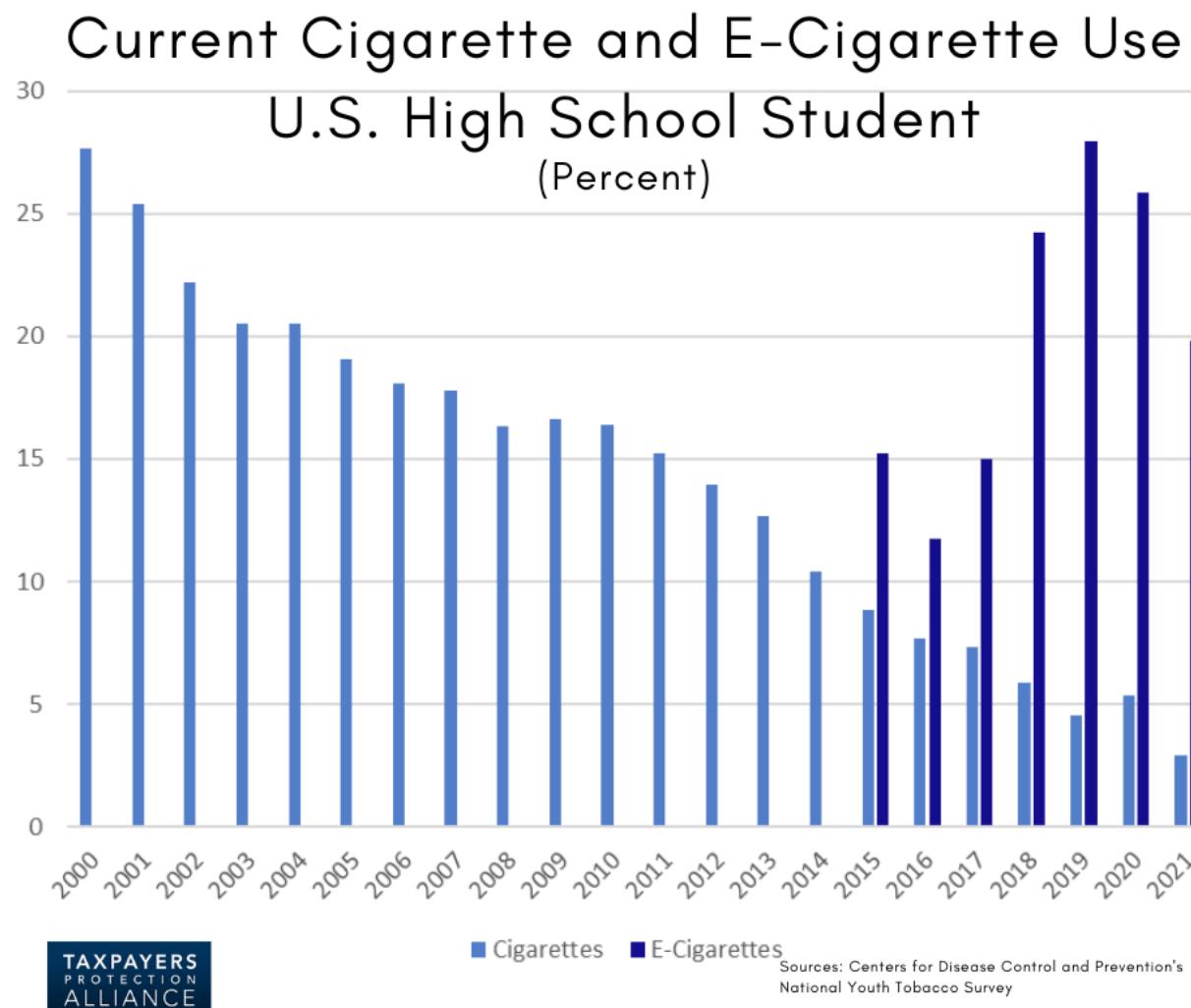
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- Nationally, current vapor product use among high school students has declined by 41.8 percent since 2020 and by 58.9 percent since 2019 when 27.5 percent reported using e-cigarettes on at least one occasion in the 30 days prior to the survey.
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- In 2020, the Ocean State collected \$129 million in state cigarette excise taxes and \$41.5 million in tobacco settlement payments, yet allocated only \$400,000 (0.2 percent) to tobacco control. In 20 years, for every \$100 the state received in tobacco-related payments, it spent \$0.80 funding tobacco control programs.
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- Rhode Island's vaping industry created \$59.5 million in economic activity in 2021 while generating 260 direct vaping-related jobs and contributed more than \$4.6 million in state taxes.
- Anti-vaping efforts have had mixed effects on the industry's economic impact. The number of employees decreased by 4.1 percent from 271 employees in 2018. Overall economic activity increased by only 10 percent from \$54.1 million in 2018.
- There are currently more than 420,000 vapor products that are in a "regulatory limbo" in that the FDA has not issued a marketing order but it has not issued a denial. Further, all products using synthetic nicotine have until May 14, 2022, to submit a premarket tobacco product application to the FDA for authorization.
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- Policymakers should be wary of the effects of flavor bans as localized flavor bans have led to an increase in youth combustible cigarette use. In 2018, San Francisco, Calif., banned the sale of flavored e-cigarettes. In fact, in 2019, 18.6 percent of San Francisco high school students reported ever trying e-cigarettes – an 11.4 percent increase from 2017's rate of 16.7 percent.

Supplemental Graphs

1.1 Rhode Island Tobacco and Vapor Use, High School Students



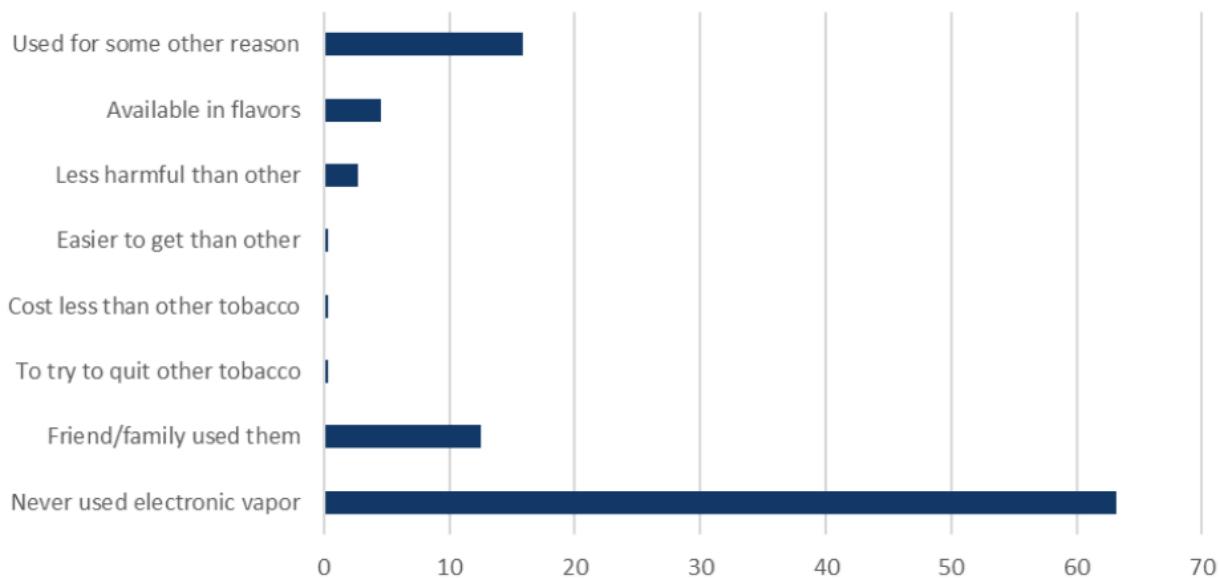
1.2 National Youth Tobacco and Vapor Use



1.3 Reasons for E-Cigarette Use, Rhode Island High School Students

**Reasons for E-Cigarette Use,
Rhode Island HS Students, 2019**

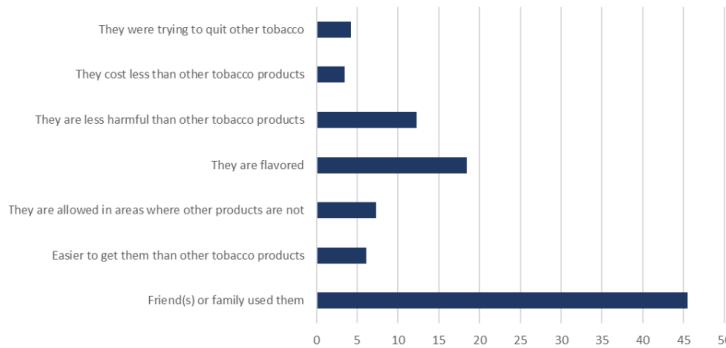
What is the main reason you have used electronic vapor products?



1.4 Reasons for E-Cigarette Use, State Surveys

TAXPAYERS PROTECTION ALLIANCE **REASONS FOR E-CIG USE**

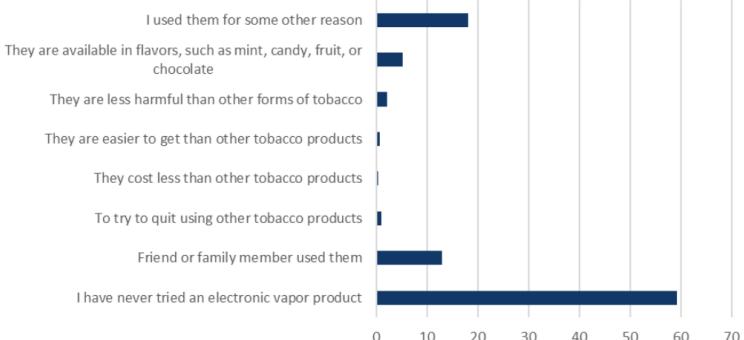
Among HS students who have used vapor products, the percentage who used them because



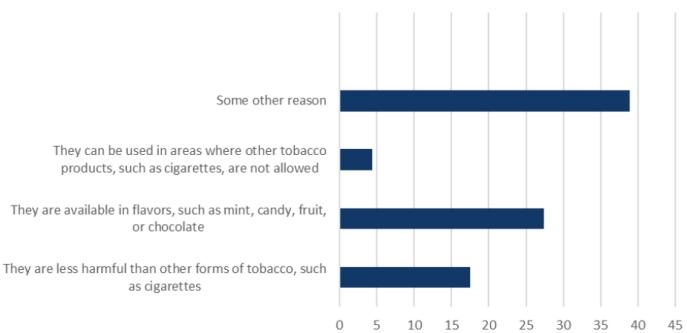
2019
COLORADO
Healthy Kids Colorado Survey
(Percentage of High School Students)

What is the main reason you have used electronic vapor products?

2019
CONNECTICUT
Youth Risk Behavior Survey
(Percentage of High School Students)



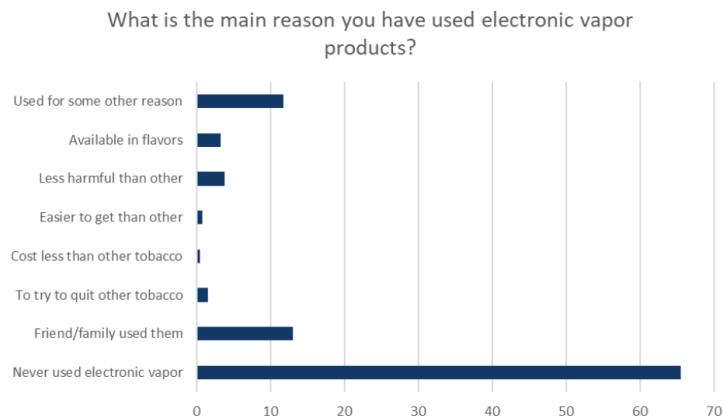
Reasons for e-cigarette use (among ever e-cigarette users,
choose all that apply):



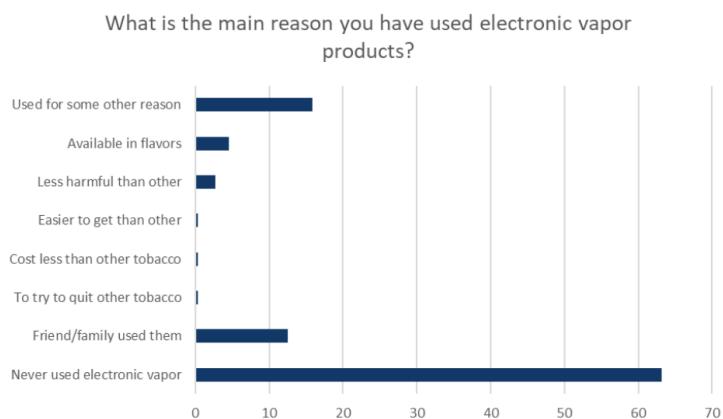
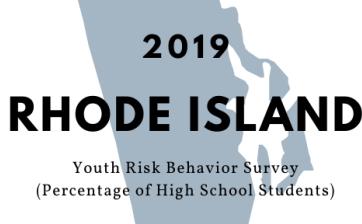
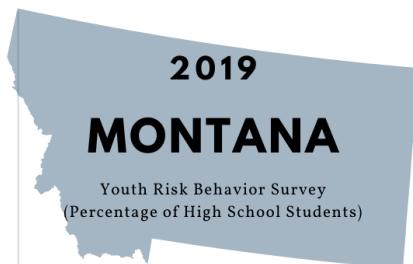
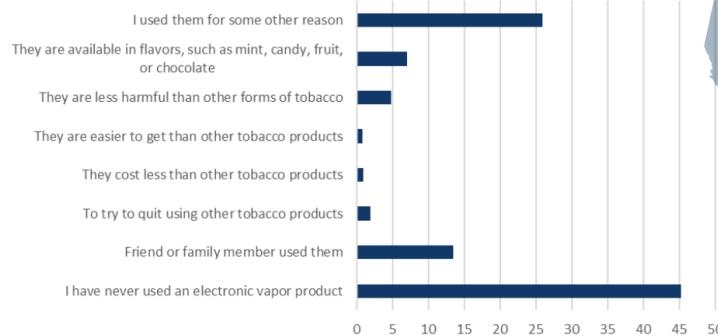
2017
HAWAII
Hawai'i Youth Tobacco Survey
(Percentage of High School Students)

Source: World Health Organization

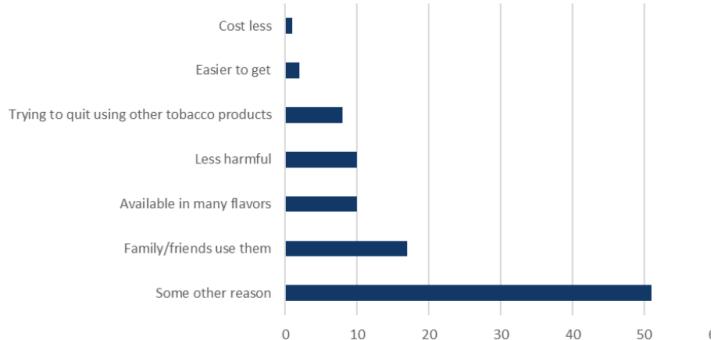
REASONS FOR E-CIG USE



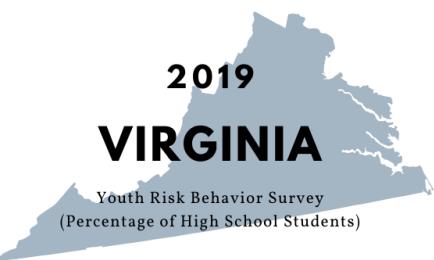
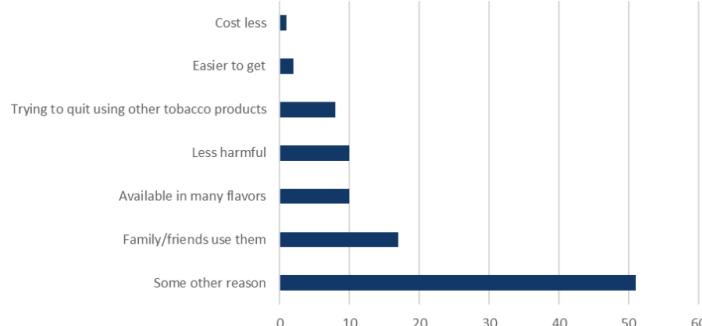
What is the main reason you have used electronic vapor products? (Select only one response.)



Primary Reason for Using Electronic Vapor Products (Among Current Users)



Primary Reason for Using Electronic Vapor Products (Among Current Users)

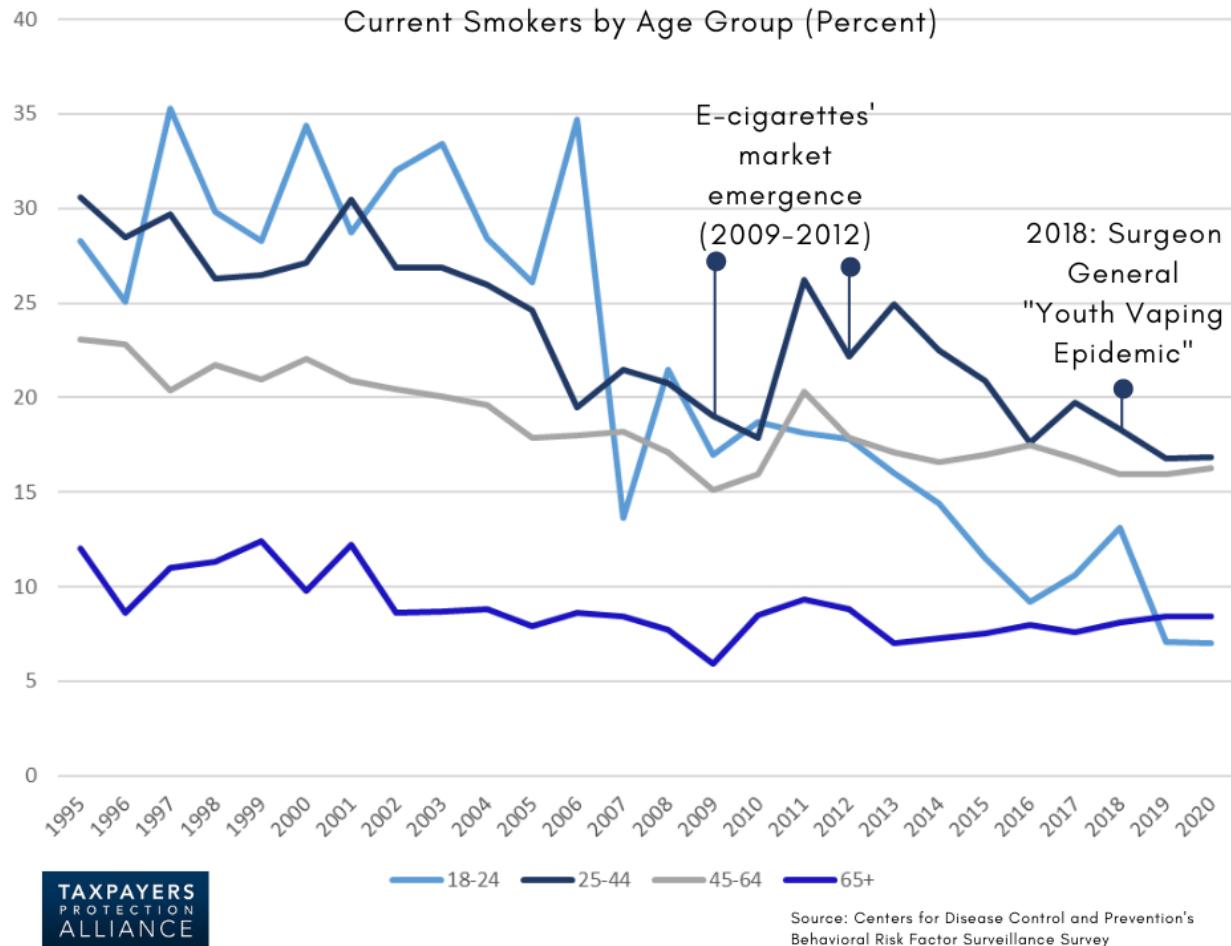


SOURCES:

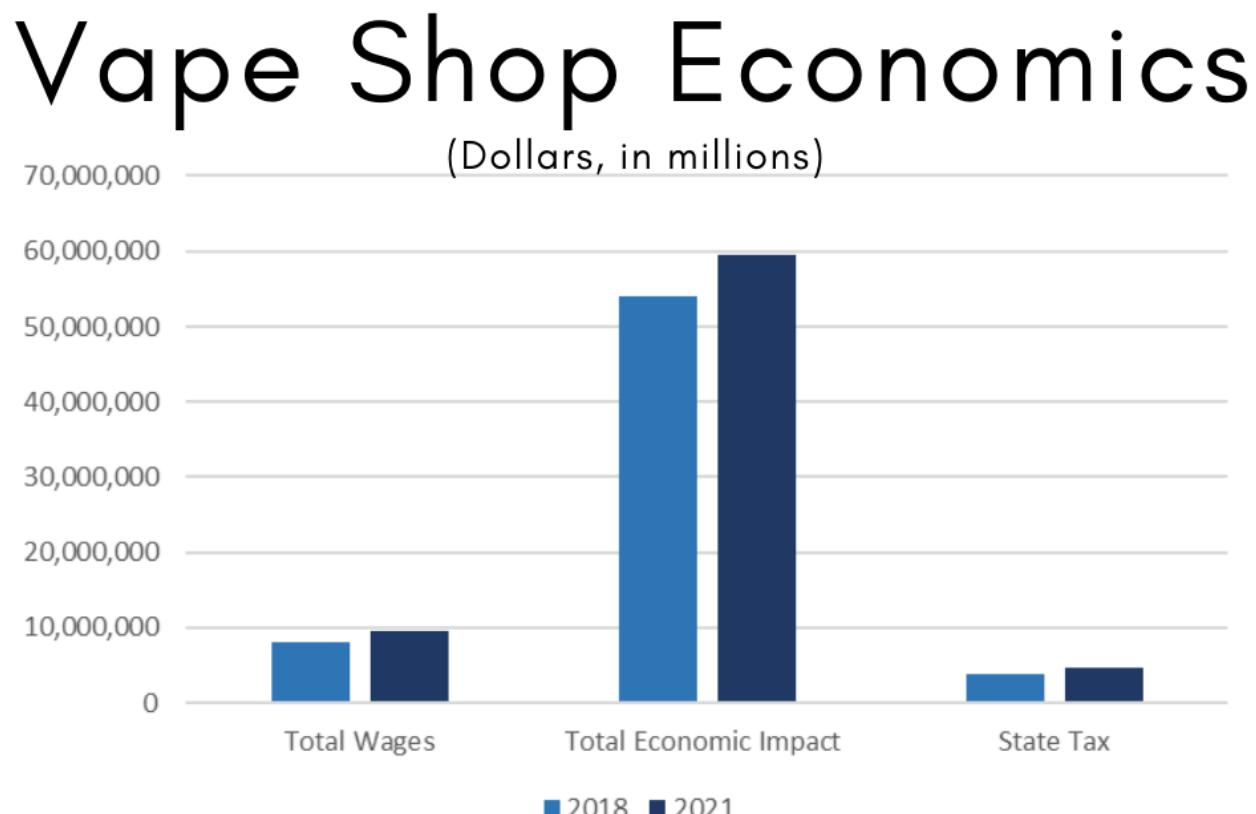
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1.5 Young Adult Smoking Rates and E-Cigarettes

E-CIGARETTES EMERGENCE LED TO SIGNIFICANT DECREASE IN SMOKING RATES AMONG YOUNG ADULTS

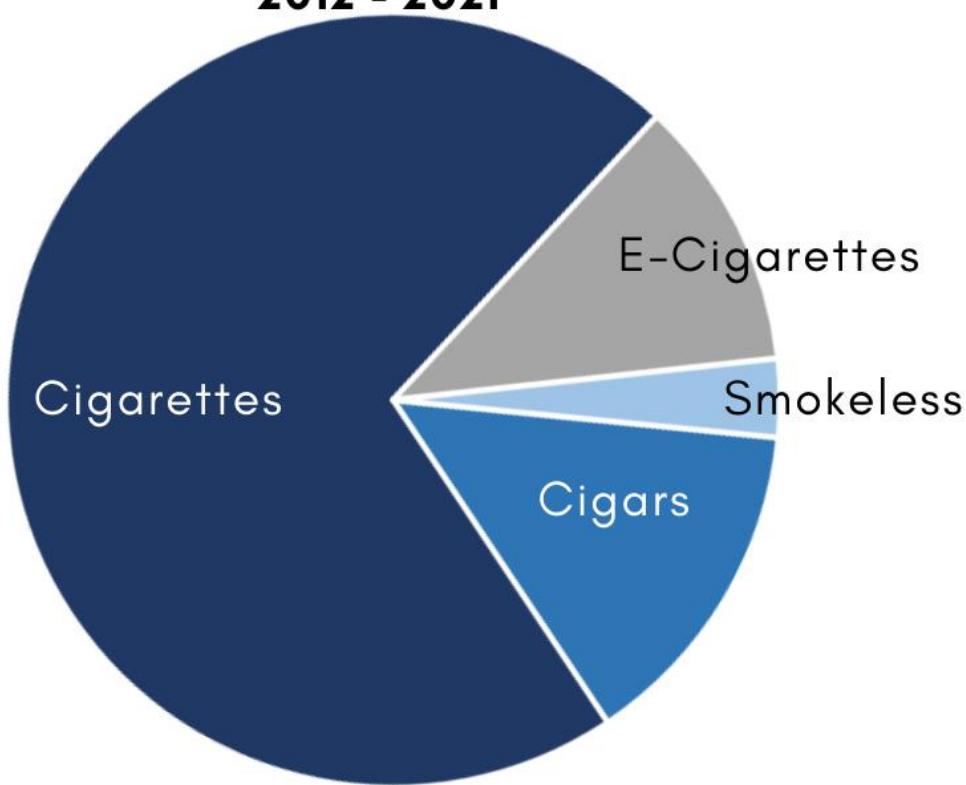


1.6 Economic Impact of Vaping, Rhode Island



1.7 FDA Compliance Checks

**TOBACCO & VAPE RETAILERS FDA COMPLIANCE
INSPECTIONS VIOLATIONS
2012 - 2021**

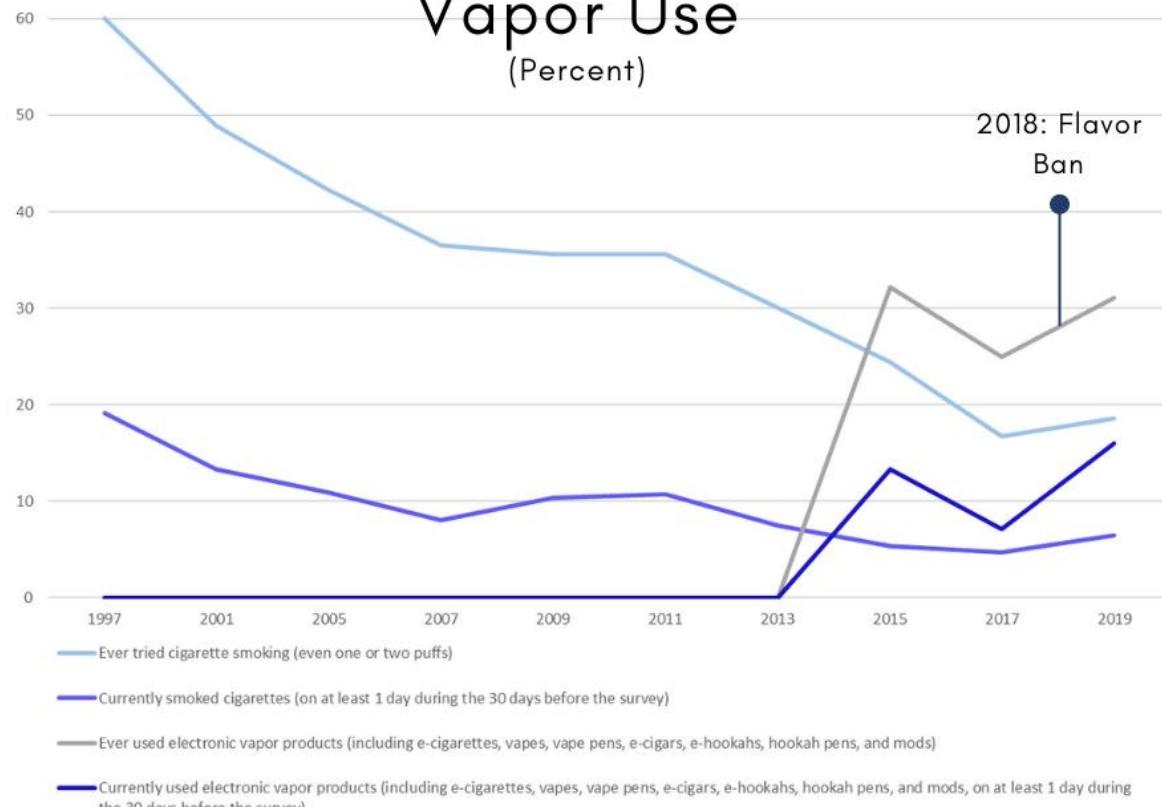


**"VAPE" IN RETAIL NAME
FDA COMPLIANCE INSPECTIONS
2017 - 2021**



1.8 San Francisco Youth Tobacco Use & Flavor Ban Effects

San Francisco HS Student Tobacco & Vapor Use



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