

## Consumer Choice Center Testimony: S2098

Dear Rhode Island Senate Finance Committee,

As an independent consumer advocacy group that supports innovation and lifestyle freedom, we oppose S2098.

Expanding the state's flavored vapor ban to include menthol is misguided and will create an array of unintended consequences for the Ocean State.

- 1. By rendering menthol vapor products illegal, Rhode Island is depriving adult consumers of a chosen product category and flavor rather than offering concrete solutions to get adults to switch to less harmful alternatives to combustible tobacco.**

It's well documented that combustible cigarette use is the leading cause of lung cancer and also contributes to other types of cancers and serious diseases which can be fatal.

Rather than tinkering on the edges, Rhode Island can take the definitive step already taken by some global public health regulators: **embrace** and **promote** less harmful nicotine alternatives like flavored vaping devices, nicotine pouches, snus, nicotine gums and lozenges, and more.

The fact remains that these products are much more effective at reducing smoking than bans, restrictions, and the long arm of the law.

In 2015 Public Health England concluded from their research that vaping is 95% less harmful than smoking. King's College released a study confirming the findings of Public Health England, that vaping is indeed significantly less harmful than smoking combustible cigarettes. The UK government released a report in [2022](#) that shows that flavored vaping products, specifically fruit and menthol/mint flavors, remain the most common aid used by people to help them stop smoking combustible tobacco. When analyzing the stop smoking service data from 2020 to 2021, it was noted that vaping devices produced the highest success rates for attempts at quitting.

Another great international example to look to is Sweden, they [will likely](#) become the first smoke-free country as they have [embraced](#) policies that support its citizens to switch from cigarettes to less harmful alternatives including vaping, nicotine pouches, and snus.

Consequently, Sweden [reduced](#) its smoking rates two times faster than any other country in the European Union and smoking rates have declined by 55% in the last decade. Additionally, smoking-related deaths are 22% lower in Sweden than the European Union average and cancer incidence is 41% lower than in the rest of Europe, with total deaths from cancer being 38% lower.

Nicotine [pouches](#) became available in Sweden in 2018 and the smoking rates dropped by more than 20% since then.

It would be prudent for Rhode Island to embrace and promote less harmful nicotine alternatives like vaping, pouches, snus, and others as these products provide an effective and versatile contribution to ending smoking.

**2. A menthol vapor ban, in addition to Rhode Island's already restrictive policies in this space, will put a bigger strain on the state's budget.**

In 2025, Rhode Island implemented an 80% excise tax on the wholesale price of alternative nicotine products, one of the highest within the entirety of the country. As a result, sales within the state decreased while sales in counties surrounding the state increased, signaling that the high tax rate didn't deter consumers from purchasing these products, it simply shifted where consumers were purchasing these products from. While legislators might have intended that the 80% tax would boost revenue for the state, with sales shifting to outside of Rhode Island's borders it's likely the state actually lost any intended tax revenue from these products.

S2098 will only fuel that fire and disincentivize consumers to move away from traditional cigarettes. As a result, public health within the state could deteriorate and increase the state government's financial burden associated with smoking-related healthcare costs.

The negative economic [impacts](#) of combustible cigarettes in Rhode Island are also worth looking into. The annual health care costs in the state directly caused by smoking is more than \$744 million, with over \$233 million of that in Medicaid expenses alone. This is resulting in a tax burden of \$1,198 per household, but if adults who currently smoke combustible cigarettes are financially incentivized to switch to less harmful alternatives, such as menthol vapor products, then not only would this help reduce the tax burden on households, but it would also save lives.

**3. By rendering products that are legal today illegal, Rhode Island will create an incentive for an illicit market where no regulations, rules, product, or age restrictions will be followed.**

We should champion smart policy that encourages competition and choice, fact-based evidence on harm reduction, and eradication of the illicit market. But if the proposed menthol vapor ban moves forward, it will indeed create an even larger illicit market. This policy **will** cut off legal supply, but it will do nothing to address the demand for these products.

After the 2019 menthol cigarette and flavored vaping ban in Massachusetts, the Multi-Agency Illegal Tobacco 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.

A study of discarded cigarette packs was conducted to examine the ban on flavored tobacco products (which includes menthol) that went into effect in California in 2022. Researchers found that after the 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 products made up a little over 24% of the marketplace, meaning the ban had little effect on consumer access.

We agree that youth should not have access to any nicotine products. With the recent release of the FDA's [National Youth Tobacco Survey](#) results for 2025, we continue to see a downward trend in the current use of vaping products amongst middle school and high school students. At its peak in 2019, NYTS reported that current use of vaping products amongst middle school and high school students was 20%; results from the 2024 report were 5.9%; and now, **in 2025, it is 5.2%.**

It's important to look at where youth are acquiring vapor products. The [National Youth Tobacco Survey](#) appears to have limited responses and data, but the most common answers include having someone else buy them (1.2%), getting them from a friend (1.4%), or buying them from a family member or friend (1%). This signals that the current age verification at points of sale is working to prevent youth from buying these products at vape shops, gas stations, and convenience stores. However, it also signals that the illicit market is the preferred avenue for youth to acquire these products.

As a result, policies like S2098 do nothing to help the residents of Rhode Island. Adult consumers will be less likely to move away from combustible cigarettes, a thriving illicit market will make it easier for youth to acquire these products, tax revenue for the state will decrease as sales shift to bordering states, and public health will deteriorate while taxpayers continue to pick up the tab.

We respectfully encourage you to consider opposing S2098.

Thank you for your time and consideration on this matter.

Respectfully,

Elizabeth Hayes  
Head of External Affairs