



1212 New York Ave. NW,  
Suite 900  
Washington, DC 20005  
202.525.5717

*Free Markets. Real Solutions.*  
[www.rstreet.org](http://www.rstreet.org)

---

March 19, 2019

Senate Committee on Health  
State Capitol  
Sacramento, CA 95814

Re: Senate Bill 38 (Hill)

Dear Chairman Pan,

The R Street Institute is writing to oppose Senate Bill 38, which would ban the sale of flavored-tobacco products in California, including most vaping products. R Street is a Washington, D.C.-based think tank with an office in Sacramento. We promote pragmatic free-market solutions to myriad problems. One of our core issues involves harm reduction.

Our research finds that laws that make no distinction between combustible cigarette smoking and e-cigarettes create unnecessary difficulties for smokers to switch to these less-harmful products. We recognize the negative effects of smoking and support policies that move smokers toward less harmful alternatives. We believe that this legislation will have troubling unintended consequences.

The legislation ignores a range of studies establishing the significant reduction in health risk posed by e-cigarettes when measured against combustible cigarettes. In 2016, the Royal College of Physicians, one of the oldest, most venerable professional medical bodies in the world, published an authoritative report demonstrating the long-term health hazard posed by e-cigarettes is less than 5 percent of the harm from smoking. E-cigarettes are not totally safe, of course, and measures need to be taken to keep them out of the hands of underage people. But they need to be available in California to help smokers quit a more-dangerous habit.

As the Royal College of Physicians recommends, tailoring policies to recognize the distinction provides an incentive for smokers to move toward lower-risk alternatives. If, for instance, cigarette smokers can no longer find vaping liquids throughout the state, they will be more likely to keep smoking cigarettes,



1212 New York Ave. NW,  
Suite 900  
Washington, DC 20005  
202.525.5717

*Free Markets. Real Solutions.*  
*www.rstreet.org*

which will still be available at their local convenience store. FDA-approved cessation aids such as nicotine patches and gum can help, too, but only a small percentage of smokers prefer to use them, whereas vaping is a far more popular alternative.

Therefore, we believe that any ban on the sales of flavored-tobacco products should have an exemption that, for instance, allows people to buy e-cigarettes at vape stores or tobacco-only locations where one must be 21 simply to enter the store.

Here are links to a couple of R Street's relevant studies:

<http://www.rstreet.org/wp-content/uploads/2015/12/RSTREET49.pdf>

<http://www.rstreet.org/wp-content/uploads/2014/07/20140630FDLI-EcigForum.pdf>

Thank you for your time and consideration.

Best regards,

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Greenhut', written over a white background.

Steven Greenhut  
Western Region Director  
(909) 260-9836