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Testimony from:  
Dr. Carrie Wade, R Street Institute

In Opposition to A 47, “Prohibits the sale and distribution of flavored e-liquid which creates a distinguishable flavor or aroma for use in e-cigarettes.”

June 6, 2019

Assembly Committee on Codes

Chairman and members of the committee,

R Street Institute is a nonprofit, nonpartisan, public policy research organization based out of Washington, D.C. We strive to promote free markets and effective government policies in many areas, including harm reduction.

My academic background is in the neural mechanisms of addiction, evaluating neurochemical and anatomical changes that happen in the brain following the onset of addiction. There has been a lot of progress made in understanding what biological factors lead to dependence and addiction and thus, how addiction can best be treated and managed. I believe that harm reduction approaches can positively affect the health and welfare of people who use addictive substances, which is why I write to you out of concern over the proposal to prohibit the sale and distribution of flavored e-liquids. While well intentioned, this proposal will adversely affect public health by limiting safer alternatives to combustible cigarettes to the very people this aims to protect. We encourage your city to consider policies that reflect the reduced risk of e-cigarettes compared to combustible cigarettes.

The best available science indicates e-cigarettes are not likely to exceed 5 percent of the harm associated with combustible cigarettes – a conclusion supported by both Public Health England and recently the National Academy of Sciences. Also, like traditional nicotine replacement therapies, they do not produce the environmental tobacco smoke that harms bystanders. Policy that encourages smokers to switch to e-cigarettes if they cannot quit or do not wish to will significantly reduce the enormous burden of disease that combustible cigarettes impose on

society. It is estimated that e-cigarettes have potential to save up to 6 million lives by 2100 if only 10 percent of current smokers switch to e-cigarettes over the next 10 years.

*The International Journal of Environmental Research and Public Health* reports that limitations in flavor choices negatively impact user experience. About 40 percent of former and current adult smokers predict that removing their ability to choose flavors would make them less likely to remain abstinent or attempt to quit. In fact, data suggests that current smokers are partial to the flavor of traditional tobacco, while fruit and sweet flavors are preferred by former smokers.

Moreover, it has recently been demonstrated that e-cigarette users who use non-tobacco flavors, including menthol and non-menthol (fruit, candy, desert) flavors are more likely to completely switch from combustible cigarettes than those who choose tobacco flavors.

Policies that treat e-cigarettes equal to traditional cigarettes encourage current smokers to continue doing enormous harm to their health by discouraging a switch from combustible products. Conversely, policies that reflect the reduced harm of e-cigarettes can significantly reduce the enormous burden of disease that combustible cigarettes impose on society. This includes policies that allow flavors to be available for current smokers who consider flavors attractive features of e-cigarettes.

I applaud the efforts of the State of New York to recognize the impact of smoking take steps to reduce the prevalence of smoking and e-cigarette use among youth. Toward that end R Street supports 21-to-purchase initiatives. However, it is important that the potential of e-cigarettes to mitigate risks associated with combustible cigarettes be recognized if we wish to encourage a healthful populace.

Thank you for your time and consideration.

Respectfully Submitted,

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