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July 11, 2019

Senator Joanne M. Comerford
Chair, Joint Committee on Public Health
State House, Room 70-C

Representative John J. Mahoney
Chair, Joint Committee on Public Health
State House, Room 130

Written testimony from:
Nicolas John, R Street Institute

In Opposition to House Bill 1902, "An Act Regulating Flavored Tobacco Products"

Honorable Chairpersons and Members of the Joint Committee on Public Health:

I write to you in opposition of the proposed ban on flavored e-cigarettes and e-liquids. While this may seem incongruous with the goals of public health, I ask the committee to consider the benefits that e-cigarettes may have for the citizens of Massachusetts that currently smoke or may smoke in the future.

The American Cancer Society has conceded that vaping is better than smoking cigarettes, and the National Academies of Science, Engineering and Medicineⁱ, and the FDAⁱⁱ have recognized that nicotine products exist on a continuum of risk. On this continuum, e-cigarettes, snus and heated tobacco technologies are positioned at the lower end near traditional nicotine replacement therapies, and combustible cigarettes represent the highest level of risk.

I believe that harm reduction approaches can positively affect the health and welfare of people who use addictive substances, and while well-intentioned, HB 1902 will adversely affect public health by limiting safer alternatives to combustible cigarettes for the very people this bill aims to protect. We encourage your state to consider policies that reflect the reduced risk of e-cigarettes as compared to combustible cigarettes, thereby encouraging smokers to switch to less harmful products.

This includes keeping e-cigarette flavors available and accessible for smokers who may use them as an alternative to cigarettes. *The International Journal of Environmental Research and Public Health* reports that limitations on flavor choices negatively impact user experienceⁱⁱⁱ. 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^{iv}.

Policies that treat e-cigarettes the same as combustible cigarettes encourage current smokers to continue doing enormous harm to their health by discouraging a switch to safer 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 variety an attractive feature of e-cigarettes.

I applaud the efforts of the committee to recognize the impact of smoking and reduce the prevalence of nicotine use among youth. Toward that end, R Street supports 21-to-purchase initiatives and other reasonable regulations that keep these products away from adolescents. However, if we wish to encourage a healthful populace, it is important to recognize the potential of e-cigarettes to mitigate the risks associated with combustible cigarettes.

Thank you for your time and consideration.

Respectfully submitted,

Nicolas John
Legislative Advisor
R Street Institute

ⁱ "The Public Health Consequences of E-cigarettes," National Academies of Science, Engineering and Medicine, January 2018. <http://nationalacademies.org/hmd/reports/2018/public-health-consequences-of-e-cigarettes.aspx>. "Across a range of studies and outcomes, e-cigarettes appear to pose less risk to an individual than combustible tobacco cigarettes."

ⁱⁱ Scott Gottlieb, M.D., on comprehensive regulatory plan to shift trajectory of tobacco-related disease, death," Statement from FDA Commissioner," U.S. Food and Drug Administration, 2018. <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm568923.htm> "A key piece of the FDA's approach is demonstrating a greater awareness that nicotine – while highly addictive – is delivered through products that represent a continuum of risk and is most harmful when delivered through smoke particles in combustible cigarettes."

ⁱⁱⁱ Konstantinos Farsalinos, et al. "Impact of flavour variability on electronic cigarette use experience: an internet survey." *International Journal of Environmental Research and Public Health*. 10:12 (2013)

^{iv} Christopher Russell et al. "Changing patterns of first e-cigarette flavor used and current flavors used by 20,836 adult frequent e-cigarette users in the USA" *Harm Reduction Journal* 15:33 (2018)