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January 21, 2020

Senate Health and Long Term Care Committee  
State Capitol  
Olympia, WA 98504

Re: Senate Bill 6254

Dear Chairman Cleveland,

The R Street Institute is writing to oppose Senate Bill 6254, which would add additional regulations governing the sale of vaping products and ban the sale of flavored vaping products in Washington. R Street is a Washington, D.C.-based think tank with a western office in Sacramento. We promote pragmatic free-market solutions to myriad problems. One of our core issues is harm reduction, which encourages policy makers to promote policies that reduce harm rather than simply insist on abstinence.

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.

For instance, the federal Centers for Disease Control have tied the troubling outbreak of vaping-related lung diseases almost entirely to black-market, THC-related products. We fear that banning flavored vape products would only encourage more people to turn to the underground marketplace if safe, commercially tested vape products no longer are available. News reports point to a troubling rise in homemade vape liquids, with vapers often using recipes they find online. Prohibitionist policies will only encourage this dangerous trend.

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



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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 Washington 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, 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.

“Data suggests that while current smokers are partial to the flavor of traditional tobacco, former smokers prefer fruit or sweet flavors,” explains Carrie Wade, R Street’s Director of Harm Reduction Policy. That makes these smokers far more likely to permanently switch to vaping from combustible cigarettes. “It might be politically expedient to ban flavors or e-cigarettes entirely in the interest of protecting adolescents who may be drawn to them,” she adds, “but it should be noted that prior smoking and parental or peer use are by far the strongest predictors of adolescent use.”

We share the committee’s concern about the use of vape products by teens. However, we disagree with banning products for adults out of concern that they would be more accessible to underage users. For instance, states don’t ban whole categories of alcoholic beverages to deal with an epidemic of underage drinking. The right approach is to use existing laws to crack down on the sales of any adult-use products to people who aren’t legally allowed to buy them.

Thank you for your time and consideration.

Sincerely,

Steven Greenhut  
Western Region Director  
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