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Testimony from:

Robert Melvin, Senior Manager, State Government Affairs for the Northeast Region, R Street Institute

In OPPOSITION to HB 6488, “An Act Concerning Cigarettes, Tobacco Products, Electronic Nicotine Delivery Systems, and Vapor Products.”

February 1, 2023

Connecticut Joint Public Health Committee

Chairman Anwar, Chairwoman McCarthy-Vahey and Members of the Committee:

My name is Robert Melvin, and I am the senior manager of state government affairs for the Northeast region for the R Street Institute. The R Street Institute is a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including integrated harm reduction. This is why our organization finds HB 6488 particularly noteworthy.

The R Street Institute has long held concerns with the effects of combustible cigarette consumption, and the position that the age to purchase tobacco products should be limited to individuals whom are 21 years of age or older. Our belief in curtailing the use of smoking combustible cigarettes is what drives our opposition to measures like HB 6488. This measure would preclude the sale of flavored electronic nicotine delivery systems (ENDS), which are colloquially known as e-cigarettes or vapes. In addition, it would also outlaw other flavored smokeless tobacco products, such as snus and chewing tobacco.

We believe viable harm reduction strategies for mitigating the perils of combustible tobacco cannot be achieved solely through abstinence. While no tobacco product is without risk, non-combustible products such as e-cigarettes, vapes, snus and chewing tobacco are drastically less harmful than products like cigarettes.¹ Public health agencies, including the National Academies of Science, Engineering, and Medicine; the U.S. Food and Drug Administration; Royal College of Physicians; and Public Health England, share the view that nicotine products exist on a spectrum of risk where combustible cigarettes are at the highest end of the range, and e-cigarettes are at the lowest end.² This is because ENDS do not burn tobacco; therefore, they do not release the 7,000 chemicals found in combustible cigarette smoke.³

The Royal College of Physicians has stated that the “hazard to health from long term vapor inhalation from the e-cigarettes available today is unlikely to exceed 5% of the harm from smoking tobacco.”⁴ This is in-line with the perspective of Public Health England who has concluded that e-cigarettes are 95 percent less harmful than traditional cigarettes.⁵ The drastically lower risk profile of ENDS make them an



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ideal option for individuals who want a safer alternative and are attempting to quit smoking.⁶ In the United Kingdom—the gold standard for tobacco control—e-cigarettes are viewed as one of the best methods for promoting smoking cessation.⁷ Reports even indicate that they are more effective at curtailing smoking than other prevention tools—like the nicotine patch or gum—and are leading to a greater reduction in smoking than in previous years.⁸ Therefore, we believe adult smokers should have a diverse market of products that deliver nicotine without the harms of combustion.

Ostensibly, the intent of banning the sale of flavored e-cigarettes is to discourage their use among underage individuals, but in practice research has found that ENDS are not the driving force they are perceived by the public. The U.S. Centers for Disease Control and Prevention (CDC) has found approximately 55 percent of minors who use e-cigarettes indicated curiosity was the primary factor, and about 22 percent stated that flavors were the reason.⁹

The individuals who would be most negatively impacted by a ban on ENDS and other smokeless tobacco products are not adolescents; rather it would affect adult smokers who are attempting to quit smoking. Flavors are critical for encouraging smokers to quit; one study of over 4,500 former and current smokers who used e-cigarettes found that restricting flavor varieties would increase cravings for combustible cigarettes for 48.5 percent of former smokers.¹⁰ Of the participants, another 39 percent reported that limiting flavors would have discouraged them from terminating their smoking habit.¹¹

Finally, there is a very real concern that banning flavored e-cigarettes would facilitate an illicit market heavily reliant on precarious products that lack the safety protocols on ENDS currently available to the public.¹² The flavor ban prohibition enacted in Massachusetts in June 2020 has since resulted in cross-border trade, in other words while the sale of flavored tobacco dropped in the state, it increased in equal measure in border states.¹³ A flavor ban in Connecticut is likely to follow the same trajectory.

The R Street Institute encourages you to be deliberate as you consider HB 6488. In Connecticut, the rate of adults who smoke is 11.8 percent and smoking costs the state over \$2.03 billion and 4,900 Connecticut lives annually.¹⁴ While seeking to achieve a lofty goal of ending combustible tobacco use, this bill has the very real potential to undermine efforts to discourage cigarette consumption. Removing the important harm reduction tools offered by flavored e-cigarettes and smokeless tobacco will not only harm adult smokers while doing little to reduce the rates of youth use, it can also lead to the formation of an illicit market driven by cross-border sales. For these reasons, we strongly encourage you to oppose this legislation.

Thank you,

Robert Melvin



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