



**American Vaping Association | [www.vaping.org](http://www.vaping.org)**

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February 2, 2022

**RE: SB 45, vaping products**

Members of the Senate Finance Committee:

On behalf of the American Vaping Association, a nonprofit organization that advocates for tobacco harm reduction policies to reduce smoking-related disease and death, I am writing to urge the committee to reject SB 45. While we agree with the sponsor that Alaska should amend its age of purchase law to reflect changes made in 2020 to federal law (something being sought in Rep. Rauscher's standalone HB 2), the tax, flavor ban, and insurance provisions in this bill will do great damage to public health and small businesses in Alaska.

You may recall that between 2018 and 2019, a great deal of media attention was paid to vaping. At the time, youth usage had increased substantially and there was worry that this interest in vaping would lead to a renewed interest in smoking cigarettes by youth. A lot has changed since then-President Donald Trump signed a law changing the nationwide tobacco and nicotine age to 21. In the time since, we have seen past-30 day vaping among high schoolers fall by approximately 60% (from 27.5% in 2019 to 11.3% in 2021 according to the National Youth Tobacco Survey) and teen cigarette smoking continue to plummet.

There is a great amount of evidence from both the United States and worldwide supporting two central facts: (1) Vaping products are far less hazardous than smoking; and (2) Vaping products help inveterate adult smokers quit (people who can't or won't quit voluntarily). This data has grown so strong that each year, more veteran anti-smoking and tobacco control researchers have started to question the utility of harsh legislative and regulatory actions against vaping products (please see attached).

Alaska's vape businesses and vapers want to be a part of the solution. However, punishing adults by making it harder for them to quit smoking is not the answer. Alaska should vigorously enforce its numerous existing laws on vaping products, just as they do with alcohol and cannabis, but new excise taxes and bans are not warranted.

Again, we urge you to reject this bill.

Sincerely,

Gregory Conley, J.D., M.B.A.  
President, American Vaping Association



# THE OHIO STATE UNIVERSITY

## COLLEGE OF PUBLIC HEALTH

### Knee-jerk vaping bans will fail public health, experts argue

Evidence supports e-cigarettes as a harm-reduction tool

Bans and other policies restricting e-cigarette sales could do more public harm than good, according to a group of public-health, tobacco-policy and ethics experts.

In a piece published online today (Dec. 12, 2019) in the journal [\*Science\*](#), the authors, including three public health deans, caution that blanket policies developed in a rush to address two different concerns come with dangerous downsides – most notably the risk of taking away a powerful tool to help smokers quit.



“Illnesses and deaths, which appear to be related to vaping illicit THC oils, have caused justifiable alarm as has the rise of young people who are vaping nicotine. But in our response we must not lump together these troubling developments and fail to consider the powerful evidence supporting the availability of legal nicotine products,” said lead author [Amy Fairchild, dean of The Ohio State University College of Public Health](#).

In *Science*, she and her co-authors write that “Restricting access and appeal among less harmful vaping products out of an abundance of caution while leaving deadly combustible products on the market does not protect public health. It threatens to derail a trend that could hasten the demise of cigarettes, poised to take a billion lives this century.”

The paper comes after the emergence this year of vaping-related lung injuries and deaths throughout the U.S. The Centers for Disease Control and Prevention has reported 2,291 cases of serious lung injury and 48 deaths as of last week. Authorities have identified vitamin E acetate, a THC-product additive, as a “chemical of concern” and said that many of the products appear to have been acquired through informal sources – not from retail establishments selling

products directly from known manufacturers. THC, or Tetrahydrocannabinol, is the primary psychoactive component of marijuana.

Many policymakers and organizations including the American Medical Association have called for an across-the-board ban on vaping, and some municipalities and states have moved to ban either all vaping products or those with flavors other than tobacco flavoring, including menthol.

Fairchild said that vaping policy discussions and debates should include an examination of the immediate crisis in the context of all of the scientific evidence regarding the risks and benefits.

“There are important distinctions to be made between nicotine and THC products, between products manufactured by reputable companies and those sold on the black market, and between the potential risks and benefits to adolescents and to adults,” she said.

Drawing comparisons to initial reluctance to offer needle exchange programs that promote safety by preventing life-threatening infections for people who aren’t ready to quit heroin, the authors write that evidence about harm reduction should outweigh emotional responses.

“We should be careful to remain aware of the unintended consequences of extreme measures and the important lessons that harm reduction has provided us in areas such as heroin use, HIV prevention and alcohol control,” said co-author [Cheryl G. Heaton, dean of New York University’s College of Global Public Health.](#)

The authors point to research showing that not only vaping – but flavored products, in particular – can help adult smokers quit and provide a more effective and appealing option than nicotine replacement therapy.

They urge continued efforts to better understand the risks and benefits of vaping and call for regulatory measures that strike a balance between “making regulated nicotine vaping products available to smokers while adopting forceful measures to limit the risks to and use by youth as much as possible.”

Among their suggestions to combat youth use: Implementation and enforcement of laws that restrict purchases to those 21 and older and prohibitions against predatory marketing to children and teens.

They call for the U.S. Food and Drug Administration to implement a product monitoring system and for a surveillance system to detect unanticipated harm early.

Regulatory bans on the menthol front should start with cigarettes and inexpensive little cigars, not with nicotine vape products, they argue.

“Despite two FDA-derived reports that recommended a ban on menthol in combustibles, there has been policy paralysis in the face of appalling evidence,” they write, citing statistics showing that more than half of young people and more than 90 percent of African-American youth start smoking with menthol.

Fairchild and her co-authors stress that they take the illnesses and deaths due to vaping seriously but emphasize that each day more than 2,500 U.S. teens start smoking and about 1,300 adults die due to cigarettes. Taking vaping – including flavored products – away as a smoking-cessation and harm-reduction tool now will amount to a public health failure, they argue.

“It is crucial to identify the source of serious lung injuries and closely monitor and regulate the vaping industry – including how it markets its products to young people,” said co-author [James Curran, dean of the Rollins School of Public Health at Emory University.](#)

“But the evidence so far supports continuing to allow nicotine vaping as a harm-reduction alternative to smoking, which remains the largest preventable cause of death and disability in our country.”

Other authors of the paper were [Ronald Bayer of Columbia University](#) and [David Abrams of NYU.](#)

“Restricting access and appeal among less harmful vaping products out of an abundance of caution while leaving deadly combustible products on the market...threatens to derail a trend that could hasten the demise of cigarettes, poised to take a billion lives this century.”

# New Paper Authored by 15 Past Presidents of SRNT Argue for Balanced Approach to E-Cigarette Regulation

Friday, August 20, 2021

A new [paper](#) co-authored by fifteen past presidents of the Society for Research on Nicotine and Tobacco (SRNT) and published in the American Journal of Public Health encourages the media, legislators, and the general public to re-evaluate negative attitudes toward vaping. Kenneth Warner, lead author and dean emeritus and the Avedis Donabedian Distinguished University Professor Emeritus at the University of Michigan's School of Public Health, [explained](#) that the potential for vaping to increase smoking cessation has been largely overshadowed by media coverage and policies that are too focused on the potential risk of vaping by teens.

Warner and the fourteen co-authors represent a sizeable majority of past presidents of SRNT, one of the world's leading and most respected organizations dedicated to nicotine and tobacco research. When asked why the group decided to write the article, Warner pointed to the divisiveness of the issue, and a desire from the authors to "inject some sense of balance, to get public health organizations, the media and legislators to recognize that their appropriate but singular desire to keep e-cigarettes out of the hands of kids may actually be harming public health."

Some highlights of the article include:

- A call for a rebalancing of society's consideration of vaping, specifically increasing focus on its potential to increase smoking cessation. The desire to decrease young people's use of e-cigarettes shouldn't necessarily overshadow the 480,000 Americans who die annually as a result of smoking.
- While vaping is not free from risks, it is substantially less dangerous than cigarette smoking. Evidence demonstrates that vaping can increase smoking cessation and is likely more effective than FDA-approved nicotine replacement products like gum and patches. A majority of Americans – including smokers – believe that vaping is just as dangerous, if not more dangerous, than cigarette smoking. The authors contend this is due in part to media coverage, 70% of which mentioned vaping risks to kids while only 37% noted the potential benefits for adult smokers. As a result, a singular focus on the welfare of kids serves as a detriment to adult smokers who could benefit from vaping.
- Vaping risks for kids are real, but evidence of the percentage of kids becoming addicted to nicotine by vaping is much smaller than popularly believed. Smoking rates among adolescents and young adults have fallen at unprecedented rates at the same time as vaping exploded in popularity. This contradicts the idea that vaping increases smoking.
- The article points to policy changes on flavored products and taxation changes as ways to re-balance the approach to e-cigarettes. Adults enjoy flavored products just as much as kids do, and the focus should be on restricting access to those products by kids and not outright bans on flavors. This would allow adults to get the flavored products they want to aid in their attempts to quit smoking. Additionally, the article suggests moving away from efforts to "equalize" taxation of vaping products with combusted tobacco products. Instead, making cigarettes more expensive while moderately taxing vaping products would encourage adults who don't quit smoking to switch to e-cigarettes.