



AMERICANS *for* TAX REFORM

January 30, 2021

New Hampshire State Senate
Commerce Committee
SH Rm 100,
107 North Main Street
Concord, NH 03301

Members of the New Hampshire Senate Commerce Committee,

I thank the Committee for the opportunity to present this testimony on behalf of Americans for Tax Reform (ATR), a non-profit advocacy organization that believes in low taxes and limited government. ATR offers the following testimony in opposition to SB 62 which seek to restrict access to life-saving reduced risk tobacco alternatives, such as electronic cigarettes, through the banning of flavors (excluding menthol) that have been proven critical to the process of helping adults quit smoking. **The evidence clearly demonstrates that if enacted, this bill would have a disastrous impact on businesses and public health throughout the State, leading to a clear increase in tobacco-related mortality.**

The smoking of traditional combustible tobacco products remains one of the leading preventable causes of death in the State of New Hampshire. It is noted, however, that the negative health effects of smoking combustible tobacco come not from the nicotine, a relatively benign, yet highly addictive substance much like caffeine, but rather the chemicals produced during the combustion process – “people smoke for the nicotine but die from the tar.” For this reason, nicotine replacement therapies such as nicotine patches and gums have been used to help smokers quit for decades.

In more recent years, technology has developed to allow for the creation of more effective alternative nicotine delivery systems, colloquially known as e-cigarettes or personal vaporizers. Delivering nicotine through water vaper mimics the habitual nature of smoking, however, the absence of “smoke” leads to the absence of the carcinogens created through the combustion of tobacco. **As a result, these have been overwhelmingly proven to be 95% safer than combustible cigarettes, while at least twice as effective as more traditional nicotine replacement therapies. For this reason, over 30 of the world’s leading public health organizations have endorsed nicotine vaping as safer than smoking and an effective way to help smokers quit.** This list includes Cancer Research UK; the British Medical Association; the British Lung Foundation; the New Zealand Minister of Health; the US National Academies of Sciences, Engineering, and Medicine; the American Association of Public Health Physicians; the Royal Australian College of Physicians; the French National Academy of Pharmacy; and the German Federal Institute for Risk Assessment.

It is further noted that studies have repeatedly shown that flavors, which these bill seek to ban, are critical to helping adult smokers make the switch to vaping. Adults who used flavored e-cigarette products have been found to be more than twice as likely to quit smoking combustible cigarettes than adults using non-flavored vaping products. Multiple studies have shown that banning all flavors in e-cigarettes (except tobacco flavor) would result in a decline in the use of e-cigarettes and an increase in the smoking of deadly combustible cigarettes. This deadly shift would occur because flavors “contribute to both perceived pleasure and the effort to reduce cigarette consumption or quit smoking.” One such study found a simple ban on all flavors but tobacco in e-cigarettes would increase smoking by 8.3 percent. In addition, Public Health England

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canvassed a number of vaper surveys and found that “banning flavored liquids would deter them [vapers] from using vaping products to help them quit or reduce their smoking. It could also push current vapers towards illicit products.” Public Health England therefore concluded that, “a [ban on flavored liquids could have adverse effects and unintended consequences for smokers using vaping products to quit.](#)” Concerning, one nationwide British survey from 2019 found that if a vaping flavor ban were enacted, then 25 percent of vapers would still try to get flavors through the black market. Nearly 10 percent who use flavored liquids said they would stop vaping, and 20 percent said that they would either smoke more tobacco or return to smoking tobacco entirely.

While flavors in vaping products are critical in helping adults quit smoking, the evidence also demonstrates that they play no role in youth uptake of vaping. A 2015 survey of nonsmoking teens aged 13-17 found interest levels in flavored e-cigarettes at 0.4 out of a possible score of 10. Additionally, fewer than a third of high school students self-report to care about flavors. Academic studies have found that teenage non-smokers’ “willingness to try plain versus flavored varieties did not differ” and a mere 5 percent of vapers aged 14-23 reported it was the different flavors that attracted them to e-cigarettes. It is also worth noting that, despite media reports to the contrary, data from the National Youth Tobacco Surveys demonstrates that youth dependence on nicotine in US high school students has [not increased since the](#) introduction of these products to the market.

Extrapolating from a large-scale analysis by the US’s leading cancer researchers and coordinated by Georgetown University Medical Centre, **if a majority of New Hampshire smokers made the switch to vaping, close to [30,000 lives would be saved.](#)** In seeking to reduce access to these life-saving products, these bills place these lives in jeopardy.

ATR further submits that in addition to the public health disaster that reducing access to reduced risk tobacco alternatives will unleash, these proposals would also have devastating consequences on businesses at a time they can afford it least. At a time of great hardship due to the Covid-19 pandemic, a bill which would effectively outlaw sections of the New Hampshire economy costing jobs and business owners their livelihoods, would have a devastating impact in terms of its economic cost.

Vaping technologies have already led to the sharpest fall of New Hampshire adults smoking in recorded history, from [21.1% in 2011 to 15.9% in 2019.](#) SB 62 threatens this progress. **For the reasons outlined above, in the interests of public health, we call upon the Committee to accept the science and vote against SB 62. Tens of thousands of lives quite literally depend upon it.**

Sincerely,

Tim Andrews
Director of Consumer Issues
Americans for Tax Reform