



January 16, 2023

To: Members of the North Dakota House Industry, Business, and Labor Committee
From: Americans for Tax Reform

Dear Representative,

On behalf of Americans for Tax Reform (ATR) and our supporters across North Dakota, **I urge you to oppose HB 1357**, harmful legislation that would restrict access to lifesaving reduced harm tobacco alternatives like electronic cigarettes and keep people smoking – and dying from – traditional combustible cigarettes. **If enacted, this anti-science bill would have a disastrous impact upon not only businesses, but also on public health throughout the state of North Dakota, and lead to an increase in tobacco-related deaths.**

We would also like to draw the committee's attention to the fact that HB 1357, which includes a prohibition on online or remote sales, would significantly reduce access to these life-saving products, and particularly harm smokers trying to quit who reside in rural and remote areas of the state. **If enacted, these persons, often in lower socioeconomic demographics and at the highest risk of smoking related mortality, would have no choice but to continue smoking – and dying from - combustible tobacco.**

It must be noted that 49.6% of North Dakotans live in rural areas, making it significantly less likely that they would be able to access a local vape store to purchase reduced risk alternatives to tobacco. Many people who live in rural areas of North Dakota rely on delivery services for their vaping products. Cutting off this legal route of commerce would be a cruel use of government authority.

Further, there is no evidence that online retailers sell products to underage users. In fact, online retailers have extremely strict ID verification requirements that are mandated by the system, even stricter than in-store retailers.

This legislation could also come with severe consequences for businesses who rely on online sales for revenue. HB 1357 would create be an additional cost at a time of great economic uncertainty for many. The PACT Act, with amendments passed by Congress in 2020 to include e-cigarettes, regulates the mailing of nicotine products and these laws are enforced by the federal government. There is no justification for HB 1357 that would prohibit transactions that are already highly regulated by Congress.

While HB 1357 may reduce the legal supply of tobacco and vapor products available to those in rural areas, criminal smugglers can be expected to take over the market for these products. Tobacco smuggling, which is far more advanced than smuggling a few packs over state lines, is run largely by crime syndicates with international reach. These groups [use](#) their profits from tobacco smuggling to launder money, traffic humans, and commit acts of terrorism.

About E-Cigarettes and Vapor Products:

- Traditional combustible tobacco remains one of the leading preventable causes of death in North Dakota. **The negative health effects of combustible tobacco come from the chemicals produced in the combustion process, not the nicotine.** While highly

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addictive, nicotine is a relatively benign substance like caffeine and nicotine use “does not [result](#) in clinically significant short- or long-term harms”.

- Nicotine replacement therapies such as nicotine patches and gums have helped smokers quit for decades. In recent years, advancements in technology have created a more effective alternative: **vapor products and e-cigarettes. These products deliver nicotine through water vapor, mimicking the habitual nature of smoking while removing the deadly carcinogens that exist in traditional cigarettes.**

Benefits of E-Cigarettes and Vapor Products:

- Vapor products have been [proven to be 95% safer](#) than combustible cigarettes and [twice as effective](#) at helping smokers quit than traditional nicotine replacement therapies.
- Vaping has been endorsed by over 100 of the world’s leading [public health organizations](#) as safer than smoking and an effective way to help smokers quit.
- The Cochrane Review, the gold standard of medical meta-analysis, has identified “high certainty evidence” that e-cigarettes are more [effective](#) than nicotine replacement therapies at helping those who smoke quit.
- Just last week, a new [analysis](#) by Public Health England demonstrated just how effective vaping is in helping people quit smoking, noting that in just one year, over 50,000 British smokers, who would have continued smoking otherwise, quit smoking with vaping.
- **Studies have repeatedly shown that flavored vaping products, which HB 1357 would restrict access to, are critical to helping adult smokers make the switch to vaping.** Adults who use flavored vapor products are **43% more likely to quit smoking** than an adult who uses un-flavored products, according to a recent [study](#) from ten of the world’s top experts in cancer prevention and public health.
- A University of Glasgow study showed that e-cigarettes particularly [help disadvantaged](#) persons quit smoking. **HB 1357 will have a tremendously negative impact on public health and would increase socioeconomic disparities significantly.**
- Evidence demonstrates that **flavors play no role in youth uptake of vaping.** Academic studies have found that teenage non-smokers “willingness to try plain versus flavored varieties did not differ” and a mere 5% of vapers aged 14-23 reported it was flavors that drew them to e-cigarettes. National Youth Tobacco Survey results have shown [no increase in nicotine dependency](#) among youths since flavored products entered the market.
- **Vapor products would save over [15,000 lives](#) if a majority of North Dakota’s smokers made the switch to vaping,** extrapolating from a large-scale analysis performed by leading cancer researchers and coordinated by Georgetown University Medical Centre.

For the reasons above, in the interests of public health and protecting North Dakota from being encroached by criminal smugglers, we call upon the committee to **accept the science behind e-cigarettes and harm reduction and vote against HB 1357**. Access to life-saving reduced-harm alternatives to tobacco should be available to all people of legal age, not just those within driving distance of a vape shop. Tens of thousands of lives quite literally depend on it.

Sincerely,

Tim Andrews

Director of Consumer Issues

Americans for Tax Reform