

VAPING & TOBACCO HARM REDUCTION:

**THE PATH TO SAVING
MILLIONS OF LIVES**





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Congratulations on your success in the recent election! Throughout your term, you will play a crucial role in shaping the future of our country. As you begin to make critical decisions on behalf of your constituents, Americans for Tax Reform has created this informational packet to assist you in navigating issues related to tobacco and alternative nicotine products.

This packet will serve as a go-to guide for you and your office and inform you about the benefits of pursuing harm reduction policies regarding vaping and tobacco products. With millions of lives at stake, it is vital that policies seek to reduce the harm that America's 50 million adult tobacco users are subject to.

Prohibiting more harmful products like cigarettes, as the Biden Administration currently seeks to do through a menthol ban and a mandated 95% nicotine reduction in cigarettes, brings about unintended consequences that will wreak social and economic harm.

Fortunately, there exists a proven path towards a smoke-free future that can be achieved without costing taxpayers a cent. E-cigarettes, and other reduced-risk products like snus, heat-not-burn devices, and nicotine pouches, offer a user the same nicotine without the thousands of deadly chemicals that exist in cigarette smoke.

From Sweden to Japan, these products have saved millions of lives. It is imperative that these products remain available and accessible to the tens of millions of Americans who currently smoke cigarettes. There is scientific proof that vaping products are more effective than traditional nicotine replacement therapies at getting those who smoke to quit, and these products are proven 95% less harmful than cigarettes.

It is crucial that legislative and regulatory decisions related to tobacco, vaping, and other nicotine products are driven solely by evidence and data. That is why this informational packet contains dozens of peer-reviewed studies, research papers, and real-world examples proving that tobacco harm reduction, not nicotine prohibition, is the optimal way forward to reduce smoking rates, save lives, and improve America's public health.

We hope you find the information provided useful. Please reach out to ATR's Director of Consumer Issues, Tim Andrews, at 202-549-0346 with any questions. ATR would appreciate the opportunity to meet with you or members of your office to discuss this packet, its implications, and how your office can protect the right of your constituents to access reduced-risk nicotine products that can save their lives.

Sincerely,

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PART 1

WHAT IS TOBACCO HARM REDUCTION?

1. What is Tobacco Harm Reduction?

Tobacco harm reduction is a public health strategy that seeks to reduce the negative health effects of tobacco use by encouraging those who smoke to switch to less harmful products.

Providing people who smoke with a safer alternative to deadly combustible cigarettes reduces their exposure to harmful chemicals found in tobacco smoke which reduces risk of cancer, heart disease, and lung disease.

Tobacco harm reduction is a proven method of improving health outcomes among those who smoke.

2. Why is Harm Reduction Preferable to Prohibition?

Harm reduction is a more realistic and compassionate approach to substance use than prohibition. Pursuing harm reduction strategies related to tobacco and vaping is a proven method of reducing the negative consequences of nicotine use.

Prohibition is a proven failure. Prohibiting products, like alcohol in the 1920s or the War on Drugs beginning in 1970s, does not reduce demand or make these products disappear. Rather, it makes acquiring them more dangerous by inviting criminal smugglers to traffic prohibited goods in the illicit market.

Harm reduction focuses on improving outcomes for current substance users. In the case of cigarettes, vaping is shown to be 95% less harmful and can save 6.6 million American lives over ten years.

Prohibition is costly. Banning products requires resources to enforce these bans. Police enforcement of drug laws has historically targeted minority communities. Prohibiting nicotine products can be expected to perpetuate racially unjust policing.

3. What are Tobacco Harm Reduction Products?

The most popular harm reduction product for current and former tobacco smokers is vaping. Vaping products, also called e-cigarettes, delivers nicotine to users through an aerosol (vapor) that is produced by heating nicotine-containing e-liquid.

The combustion (burning) process produces the thousands of harmful chemicals present in cigarette smoke. Vapor products replace the combustion process with an aerosol that contains less chemicals at drastically lower levels than cigarettes, thereby decreasing the harm that a user is subject to.

Heat-not-burn products (HNBs), nicotine pouches, and Swedish snus are also nicotine-containing products that expose users to significantly less toxicants than tobacco smoke. HNBs, which heat tobacco into a vapor rather than burning it, and snus products, a form of clean tobacco popular in Sweden, have been authorized by FDA to be marketed as less harmful than cigarettes.

Swedish men, who use snus more than any other population, have the lowest rate of lung cancer in the developed world. Increased popularity of HNBs in Japan caused a 43% decrease in cigarette smoking over just 5 years. HNBs, nicotine pouches, snus, and e-cigarettes can all be critical tools for Americans who smoke and can drastically improve health outcomes.

4. Are E-Cigarettes Safer than Cigarettes?

The evidence is overwhelming, e-cigarettes are proven to be significantly safer than combustible cigarettes.

A meta-analysis of all available evidence by Public Health England demonstrated that e-cigarettes are at least 95% less harmful than traditional cigarettes

Vaping has been endorsed by over 100 of the world's leading public health organizations as safer than cigarettes and a more effective way to help smokers quit than other nicotine replacement therapies. This list includes the British Medical Association, Cancer Research UK, New Zealand Ministry of Health, Royal College of Physicians, French National Academy of Medicine, and many others.

“Vaping is less harmful than smoking” – Government of Canada

“Vaping is a fraction of the risk of smoking, at least 95% less harmful and of negligible risk to bystanders” – Public Health England

“There is no doubt that smokers who switch to vaping dramatically reduce the risk to their health” – New Zealand Heart Foundation

“Experts have reviewed all the research done on e-cigarettes in the past few years and found no significant risks for people using e-cigarettes” – British Lung Foundation

5. Benefits of E-Cigarettes

E-cigarettes are more effective at helping those who smoke quit than any other product available. Compared to traditional nicotine replacements like gum or patches, someone trying to quit with an e-cigarette has a 323% higher chance of achieving complete cessation.

The Cochrane Review, the gold standard of systematic reviews, says with “high certainty evidence” that e-cigarettes increase quit rates compared to replacement therapies.

E-cigarettes have reduced smoking rates in America. From 2003, when e-cigarettes first entered the market, the U.S. smoking rate has declined dramatically from 21.6% to [12.5%](#) as of 2020.

A large-scale analysis from Georgetown University Medical Center estimates that 6.6 million American lives can be saved if a majority of cigarette smokers switched to vaping.

Smoking rates are highest among those with lower income and less education. Encouraging those who smoke to switch to vaping will “reduce health disparities” and “translate directly into lower medical costs”.

Vaping is scientifically proven to help people with mental health issues quit smoking. Those with mental health issues smoke at rates three to four times the national average and would be particularly advantaged by switching from smoking to vaping.

6. Debunking Myths

Myth: Nicotine causes cancer.

Fact: No, nicotine does not cause cancer. Nicotine, while addictive, is not classified as a carcinogen and is relatively benign, like caffeine. Cigarette harm comes, not from nicotine, but from tar and thousands of chemicals produced by the combustion process - the “smoke”. E-cigarettes do not have a combustion process and produce vapor, not smoke, so these harmful chemicals are absent.

Myth: Vaping causes “popcorn lung”.

Fact: No, vaping does not cause bronchiolitis, known as “popcorn lung”. Multiple scientific studies have found no indication that e-liquids cause it and there has never been a recorded case of a vaper developing this condition.

Myth: E-cigarettes and vaping caused the 2019 outbreak of EVALI (severe lung injury).

Fact: Nicotine vaping did not cause severe lung disease. The outbreak of EVALI that occurred a few years ago was tied directly to a chemical present in black-market THC vapes, Vitamin E Acetate, that has never been found in nicotine-containing vapes or e-cigarettes.

Myth: Vaping, like combustible cigarettes, disproportionately harms vulnerable populations.

Fact: Vaping has tremendously positive effects on disadvantaged populations and helps to reverse the damage that big tobacco companies caused by targeting the impoverished, racial minorities, LGBTQ persons, and those suffering from mental illness and substance abuse. Vaping is critical to helping these vulnerable people quit the deadly habit of smoking and has been found to be more effective than any other nicotine re- placement therapy.

Myth: The reason teenagers vape is the available flavors.

Fact: Flavors have no effect on youth use. A mere 5% of young vapers reported it was the flavors that attracted them to e-cigarettes and academic studies have found that teenage non-smokers willingness to try plain versus flavored e-cigarettes does not differ. However, studies have shown flavors to be vital for adult smoking cessation.

PART 2

POLICY OVERVIEW & RECOMMENDATIONS

Vaping Flavor Bans

Flavored vaping products are crucial for adult smoking cessation. One study found that people who currently smoke are 43% more likely to quit smoking than someone who tries to quit with an unflavored or tobacco flavored product.

Banning flavored vapes heavily effects tax revenue. Massachusetts loses over \$10 million a month in excise tax revenues to neighboring states as a direct result of their ban on flavored vapes and tobacco products.

A ban on flavored vapes outlaws entire sections of the economy and disproportionately hurts small businesses.

Flavor bans lead to increased youth cigarette smoking. A study from Yale School of Public Health found that a ban on flavored products in San Francisco led to youth smoking more than doubling. San Francisco's youth smoking rate had been lower than average before the implementation of a flavor ban.

Flavored products play no role in youth uptake of vaping. A mere 5% of vapers aged 14-23 reported being drawn to vaping by flavors and academic studies have found that a teenage non-smoker's willingness to try plain versus flavored products does not differ.

RECOMMENDATION

ATR strongly recommends lawmakers oppose bans on flavored vaping products. Flavored products have immense potential to help people who smoke quit the deadly habit of cigarettes. Bans on flavored products hurt tax revenues and destroy small businesses and jobs.

Cigarette Nicotine Cap

A nicotine cap on cigarettes, which was proposed by President Biden's FDA in June 2022, will increase cigarette consumption and lead to more death and disease from smoking.

FDA's nicotine cap proposal is essentially a complete prohibition on cigarette. No product exists on the market that satisfies the 95% reduction in nicotine that FDA seeks. Should a federal nicotine cap be implemented, all products would be forcibly removed from shelves, causing drastic decreases in tax revenue and damaging businesses.

Proponents of nicotine caps fundamentally misunderstand nicotine. Nicotine itself is not harmful, rather it is the thousands of chemicals that exist in tobacco smoke that cause disease and cancer.

Reducing nicotine in cigarettes by 95%, as was proposed in June, will force those who smoke to consume more deadly cigarettes to satisfy their nicotine addiction.

A nicotine cap will force those who smoke, 72% of whom are low-income, to spend more of their money on cigarettes as they smoke more to consume the same amount of nicotine. This amounts to a regressive tax on America's most vulnerable communities.

A total prohibition on smoking would bring about drastic decreases in tax revenue while encouraging criminal smugglers to infiltrate our borders to meet consumer demand for traditional cigarettes. Public health policy should aim at bettering outcomes for current nicotine users through harm reduction rather than prohibitions that drive consumers to the black-market, emboldening criminals at the expense of taxpayers.

RECOMMENDATION

ATR strongly recommends lawmakers take action to protect the current level of nicotine in cigarettes. A nicotine cap will increase harm caused by cigarettes and cost those who smoke their money and health. FDA must not be allowed to completely prohibit cigarettes.

Menthol Cigarette Prohibition

In April 2022, the Biden Administration announced its intention to use FDA powers to prohibit menthol-flavored cigarettes in pursuit of “health equity”, despite overwhelming evidence that menthol prohibitions will increase harm within the communities the law is intended to help.

Menthol cigarettes are no more harmful than non-menthol. There is no chemical difference, no difference in quit rates, and no difference in the likelihood of develop lung cancer. States with higher rates of menthol cigarettes smoking have lower youth smoking rates, discrediting claims that menthols drive youth smoking.

A ban on menthol cigarettes will lead to stark increases in tobacco smuggling as consumers turn to the illicit market, driving down tax revenues.

The State Department has labeled tobacco smuggling a “threat to national security” because it is run by international crime syndicates who use tobacco profits to fund their more nefarious activity like human trafficking, money laundering, and terrorism.

Menthol cigarettes contribute over \$9 billion in tax revenue each year to state, local, and federal governments. Banning menthols will turn this revenue over to criminal syndicates.

A menthol prohibition can be expected to “unleash a Category 5 unintended consequences storm” in Black communities according to the families of George Floyd, Trayvon Martin, and Eric Garner. Prohibiting menthol cigarettes will make menthols untaxed and therefore illegal to possess in all 50 states. Black adults are more likely to smoke menthols than non-Blacks and Black communities are historically overpoliced. A ban on menthols will lead to more interactions between police and communities of color with potentially deadly consequences.

RECOMMENDATION

ATR urges lawmakers to oppose prohibiting menthol cigarettes due to the harm this policy would have on tax revenues, national security, and African American communities. Lawmakers must oppose furthering the mistakes of past prohibitions.

Vaping Nicotine Caps

Nicotine caps on vaping products seek to limit the concentration of nicotine in vaping products. There is no current evidence that an arbitrary limit on the strength of nicotine products would benefit public health. There is ample data demonstrating that limits on nicotine concentration have serious health consequences.

These proposals come from a fundamental misunderstanding of nicotine. The nicotine consumed through harm reduction products “does not result in clinically significant short- or long-term harms”.

People who smoke have been using traditional nicotine replacement therapies like gums or patches for decades without incident. These products have been prescribed to those as young as 12 years old with no noted adverse effects.

A nicotine cap will limit the effectiveness of vaping products and disincentive people from switching from cigarettes to vaping. For heavy smokers, who are subject to the most harm from cigarettes, products with strong amounts of nicotine are necessary for their smoking cessation.

High strength nicotine vapes are scientifically proven to help people with mental health issues quit smoking. These people smoke at rates three to four times the national average. A study of people who smoke and have schizophrenia found that 40% of participants completely stopped smoking while 92.5% reduced their cigarette consumption by at least 50% in twelve weeks. 62% of participants reported feeling more awake, less irritable, and had a greater ability to concentrate.

RECOMMENDATION

ATR recommends lawmakers oppose attempts to limit nicotine in vaping products because nicotine is not the issue. The harm from smoking comes from the tar and chemicals produced in the combustion process. Nicotine does not bring about adverse effects and high-strength vapes have great potential to help disadvantaged communities.

Vaping Taxes

Imposing taxes on vaping products is proven to increase smoking and discourage those who smoke cigarettes to make the lifesaving switch.

A paper from the National Bureau of Economic Research has identified “consistent and robust evidence” that vaping taxes increase smoking rates, decrease smoking cessation, and lead to more tobacco-related deaths.

If vaping products were taxed the same as combustible cigarettes, smoking participation would increase 8.1% and 2.75 million Americans would be deterred from quitting over a ten-year period.

Vaping taxes increase smoking among adolescents as well. According to researcher Dr. Michael Pesko, “my scientific opinion is that raising taxes on e-cigarettes...to levels equivalent to cigarettes will increase cigarette use among all populations and cause significant public health harm.”

A recent study from Dr. Pesko and other researchers determined that e-cigarette taxes lead to “sizable” increases in cigarette smoking among youth. The researchers warn that the “unintended effects of ENDS taxation may more than fully offset any public health gains.”

Vaping taxes reinforce socioeconomic inequality. 72% of people who smoke cigarettes are low-income. Taxes make products less affordable, thereby decreasing access to the groups who would benefit most from switching to vaping.

RECOMMENDATION

ATR recommends lawmakers oppose vaping taxes which reduce smoking cessation and reinforce socioeconomic inequality.

Preemption

Preemption legislation is focused on preventing local mistakes from harming public health, businesses, and state revenues.

By preempting local governmental bodies from implementing stricter policies related to tobacco and nicotine products, state legislatures can establish appropriate regulation while protecting businesses and employees from job-destroying restrictions.

Preemption protects state revenue streams. Local bans reduce tax revenue and incentivize illicit-market smuggling. Patchwork local ordinances would make a state a more complicated and expensive place to do business.

Local government officials act without the degree of scrutiny found at the state level and lack expertise in regulating reduced-risk products. This leads to restrictions and levies that act contrary to all available science and data.

It is the fundamental responsibility of state officials to protect their citizens. When local governments violate individual liberty and act as conduits for heavy-handed, harmful laws, it must be the role of state lawmakers to enact preemption legislation to safeguard their state's businesses and citizens.

RECOMMENDATION

ATR recommends lawmakers support preemption legislation to protect their citizens from heavy-handed, harmful laws enacted at the local level regarding reduced-risk nicotine products.

Remote & Online Sales

Proposals that seek to prohibit online sales of vapor products removes access for Americans in rural areas who rely on delivery services. While many in urban and suburban areas have nearby access to local vape shops, the same cannot be said for those in rural areas.

Americans in rural areas have the highest smoking rates in the country. Reducing vapor access for these folks will remove the potential for current smokers to quit and turn ex-smokers back to cigarettes. This will come with disastrous consequences for their health.

RECOMMENDATION

ATR recommends lawmakers oppose prohibitions on remote and online sales due to the disproportionate harm it would cause to those in rural communities.

Alternative Nicotine Products

In addition to vaping products, there are a number of reduced-risk products that can decrease smoking and tobacco-related disease and death.

Heat-not-burn products (HNBs) heat tobacco, rather than burning like in a cigarette, to produce a vapor. HNBs are most popular in Japan and have directly resulted in cigarette sales decreasing by 43% over 5 years.

The U.S. Food and Drug Administration has authorized marketing of HNBs as having “reduced exposure” to harmful substances. One study found that HNBs emit between 85% and 95% less dangerous chemicals like carbonyl compounds and polycyclic aromatic hydrocarbons.

Swedish snus is a form of “clean” smokeless tobacco that contains less toxins than other tobacco products. Sweden has the lowest rate of lung cancer in the developed world because of the popularity of Swedish snus.

FDA has authorized snus products to be marketed as putting users at a lower risk of mouth cancer, heart disease, lung cancer, stroke, emphysema, and chronic bronchitis.

Nicotine pouches are a completely tobacco-free oral alternative to cigarettes. Nicotine pouches have a lower toxicant profile than Swedish snus and contain only trace amounts of chemicals.

RECOMMENDATION

ATR recommends lawmakers oppose measures that would treat alternative nicotine products like snus, HNBs, and nicotine pouches similarly to tobacco products. These products have great potential to improve public health and people should not be disincentivized from using them through taxes or regulations.

PART 3

TOBACCO HARM REDUCTION: A VOTE-WINNING ISSUE

There are 20 million adults who use vaping products in the U.S., amounting to approximately 45,000 per Congressional district. Many of these people use vaping to quit or reduce their smoking habit.

Vapers are politically engaged and highly active on policy issues related to vaping. 4 in 5 voters who vape say they are likely to speak out on vaping issues.

Vapers turnout to vote in high numbers. 85.4% of vapers reported that they would “definitely” be voting, according to ATR-commissioned polling data of vape consumers in battleground states performed by McLaughlin & Associates in 2019.

Voters who vape are willing to switch their vote to support a pro-vaping candidate. 2 in 3 respondents to an October 2022 ATR-commissioned HarrisX poll reported being likely to vote for a candidate aligned with them on vaping policy.

Vaping restrictions, such as tax hikes and flavor bans, are unpopular among voters who vape and vapers reported being more likely to vote for a candidate who opposes these restrictions.

Vapers skew Democratic, with 52% reporting they intend to vote for the Democrat from their district for Congress. Embracing vaping policies could bolster Republicans, while Democratic support for vaping restrictions may threaten electoral success.

RECOMMENDATION

ATR recommends lawmakers embrace tobacco harm reduction, not just because it has the potential to save millions of lives, but also due to the immense political benefit that pro-vape candidates stand to gain by supporting the rights of Americans to quit smoking with vaping.

THOLOS
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