



To: House Revenue Committee
Re: Tobacco & E-cigarettes (HB 2270)
April 24, 2019

Good morning Chair Nathanson and members of the committee. For the record my name is Christina Bodamer and I am the Oregon Government Relations Director for the American Heart Association. Thank you for the opportunity to present to you today.

The meteoric rise of e-cigarettes

The advent of new tobacco products, such as electronic cigarettes, and the dramatic rise of their use, especially in adolescents and young adults, is of significant concern. Scientists are still learning about how e-cigarettes affect health. However, there is already enough evidence to justify efforts to prevent youth use. E-cigarettes have now become the most popular tobacco product for youth and adolescents in the United States and are attracting younger users through different avenues to nicotine addiction. Noting this unprecedented spike in e-cigarette usage, and because most lifetime tobacco addiction starts during adolescence, the US Surgeon General issued an advisory for parents, teachers, and health professionals about the negative health consequences of e-cigarettes just this last December (2018).

What is an e-cigarette?

E-cigarettes come in a wide variety of shapes and sizes; mini (often called cig-a-like), mid-size, vape pens, pod systems (like JUUL), e-hookahs, and e-cigars. Some e-cigarettes are made to look like regular cigarettes, cigars, or pipes. Some resemble pens, USB sticks, or other everyday items.

JUUL is the most rapidly-growing type of e-cigarette, controlling 72% of the e-cigarette product market share in the United States, an impressive feat given that the product has only been on the market since 2015. JUUL is particularly appealing to adolescents for several reasons:

- It has a slim design shaped like a USB drive making it easy to hide;
- It comes in different colors and flavors that appeal to kids; and
- It does not emit large smoke clouds, making it optimal for discreet use, such as in school bathrooms and even reportedly in class when a teacher turns their back.

Not only is nicotine concentration high in JUUL pods - a single refill pod contains as much nicotine as a pack of 20 regular cigarettes - its technology increases the rate of nicotine delivery and decreases the harsh sensation in the mouth and throat.

JUUL is only a single example of products on the market today, with other types of e-cigarettes presenting considerable challenges. Determining which electronic smoking devices are truly nicotine-free is difficult for local tobacco control enforcement, given that manufacturers are not required to disclose the ingredients that make up the liquid solution used in electronic smoking devices. Further, product testing has revealed that the information and ingredients listed on the packaging of electronic smoking devices can be misleading or incorrect. Some e-cigarettes marketed as containing zero-percent nicotine have been found to contain nicotine. Of great concern is the fact that recent surveys show, when asked about what's in their e-cigarette, 66% of teens responded "just flavoring".

Tobacco Cessation Devices

Nicotine is primarily responsible for causing addiction to tobacco products. People who are addicted to nicotine are used to having nicotine in their bodies. When a person tries to quit, they present symptoms of nicotine withdrawal. The FDA has approved several smoking cessation products designed to help users gradually withdraw from smoking (that is, "wean" themselves from smoking and nicotine addiction) by using specific amounts of nicotine that decrease over time, until the body is better prepared to function without it. Over-the-counter nicotine replacements include skin patches that deliver nicotine through the skin; nicotine gum that releases nicotine as you chew it; and nicotine lozenges that dissolve in your mouth. The FDA has also approved two pharmaceutical smoking cessation products that do not contain nicotine. The State of Oregon currently covers all FDA approved smoking cessation devices, and none of these products are taxed.

No clinical studies about the safety and efficacy of e-cigarettes for their intended use have been submitted to the FDA. However, given the meteoric rise in usage and public perception of their cessation qualities, the U.S. Preventive Services Task Force, a group of health experts that makes recommendations about preventive health care, reviewed the available evidence in this area. This task force concluded that evidence is insufficient to recommend e-cigarettes for smoking cessation in adults, including pregnant women. E-cigarettes are not currently approved by the FDA to be used as an aid to quit smoking.

In addition to approved cessation devices, the FDA has been authorized to approve Modified Risk Tobacco Products, which allows for single specific products to market themselves as such, based on evidence that the product is expected to pose lower health risks to individual users and to the overall population when compared with traditional tobacco products. However, to date, no tobacco product has been approved as a Modified Risk Tobacco Product.

Health Effect of E-Cigarettes

The long-term effects of e-cigarettes and the net impact to public health associated with their use remains unclear. Early research shows that the fine particles found in the smoke of e-cigarettes have varying amounts of toxic chemicals, which have been linked to heart disease, respiratory diseases, and cancer. Regarding short term health impacts, the FDA has recently reported an uptick in seizures in youth e-cigarette users. These seizures are a known potential

side effects of nicotine toxicity and have previously only been reported in cases of intentional or accidental swallowing of e-liquid, not in from regular usage.

Nicotine is a drug and it's bad for developing brains. Former CDC- Director Tom Friedan has stated, "We want parents to know that nicotine is dangerous for kids at any age, whether it's an e-cigarette, hookah, cigarette or cigar." He went on to say that "Adolescence is a critical time for brain development. Nicotine exposure at a young age may cause lasting harm to brain development, promote addiction, and lead to sustained tobacco use.

Marketing of tobacco products

The tobacco industry spends \$137 million each year promote and sell its products in every community across Oregon. Children and adults are bombarded with messages pushing them to smoke cigarettes or chew tobacco. There are few federal restrictions on e-cigarette marketing, allowing companies to promote their products through traditional outlets — such as TV and radio — despite a 1971 ban on cigarette advertising to reduce cigarette marketing to children. E-cigarette companies also market heavily on the internet, in retail environments, and at recreational venues and events. E-cigarette companies have offered scholarships, make frequent and highly effective appearances on social media newsfeeds and timelines through influencers and celebrity endorsers, and sponsor music festivals while offering appealing flavors to kids.

JUUL was at the center of the FDA's investigation into e-cigarettes last year, focused on developing a plan to curtail the epidemic rise in youth use. The FDA plan was released not long before news broke that JUUL had partnered with Big Tobacco giant Altria – the parent company of Philip Morris. In response to this development in early April, several members of the US Senate, including both Oregon Senators, wrote a letter to the CEO of JUUL with a series of questions, which I have submitted for the record.

Although I have focused on e-cigarettes today, it is critical to note the importance of HB 2270's mechanism to raise the price of all tobacco and nicotine products to achieve the greatest public health effects. No nicotine or tobacco product should be considered safe. Increases in the price of cigarette and e-cigarette products in tandem will lead to the greatest substantive reductions in nicotine addiction for all Oregonians.