



883 NE Hogan Drive * Gresham, OR * 97030
503.912.3365

March 21, 2023

Chair Nosse and Members of the Committee,

While the idea of a “flavor ban” is appealing to stop youth from being interested in nicotine vaping, I can tell you from my 12 years of experience that a vast majority of adult ex-smokers are utilizing these flavors to transition from combustible cigarettes. Most adults use flavors to get away from the taste and smell of tobacco.

When the temporary misguided ban on all flavors except tobacco was implemented due to the EVALI from to illegal THC cartridges cut with Vitamin E Acetate, our adult only stores ended up with an 85% drop in revenue, we would expect the same or more should the legislature ban flavored nicotine vaping products.

The latest numbers NYTS, which shows teenage smoking at around 1.9%, which includes exclusive smokers at .5% and dual users at 1.4% which is the lowest ever recorded. Total teen vaping is lower than smoking has been at any time over the past decade and the total usage of nicotine (smoking and vaping) is the lowest seen in 50 years.

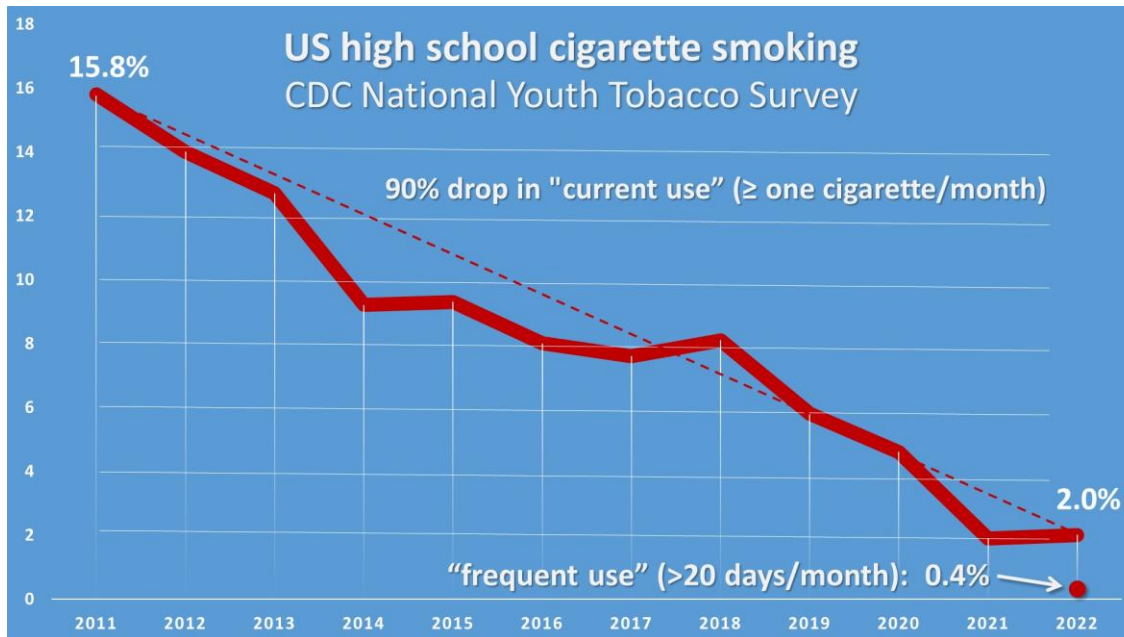
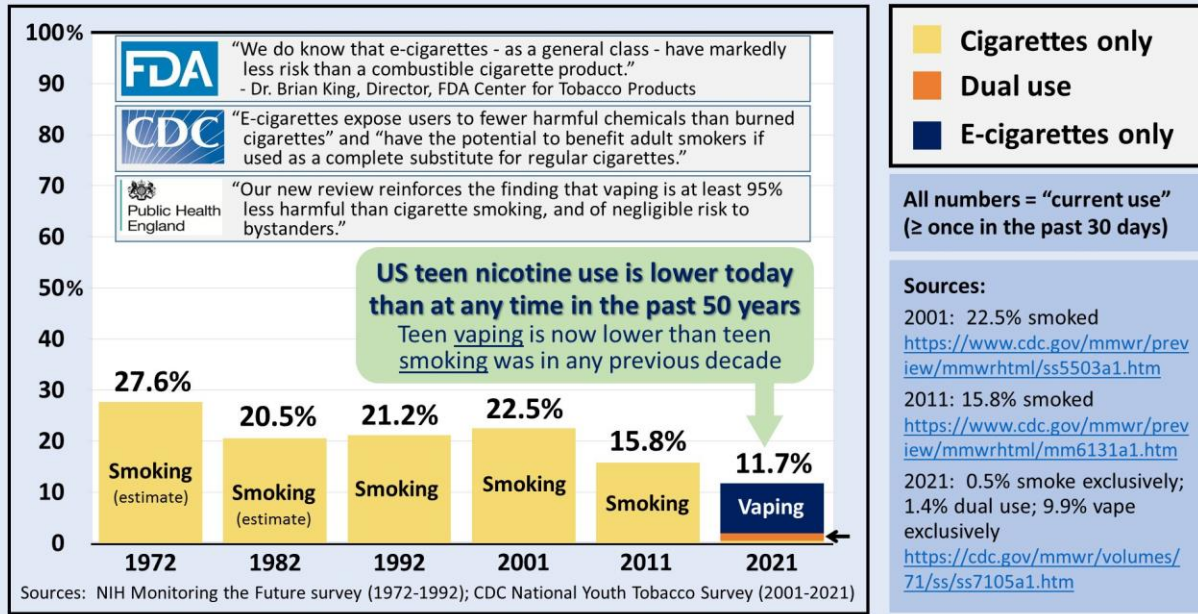
Even the head of the FDA, Dr. Brian King has stated that they do not use the term “epidemic” regarding youth usage of nicotine vaping. This is the organization in charge of all tobacco products saying that the language being used by our opponents is flat out incorrect.

There are 31,000,000 adult smokers in the country who would benefit from a safer alternative and 15 million adult vapers who have started down the path to ending their use of combustible cigarettes. A flavor ban would have unintended consequences of pushing many ex-smokers back to cigarettes.



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Total US high school nicotine "current use" (cigarettes and/or e-cigs)





HOW TO ACCURATELY READ THE CDC'S NATIONAL YOUTH TOBACCO SURVEY DATA FOR 2022

TABLE. Prevalence of current (past 30-day) e-cigarette use,* overall and by selected characteristics and school level — National Youth Tobacco Survey, United States, 2022

Characteristic	Overall		High school		Middle school	
	Estimated weighted no. [†]	% (95% CI)	Estimated weighted no. [†]	% (95% CI)	Estimated weighted no. [†]	% (95% CI)
Among all students (N = 28,291)						
Current use of e-cigarettes	2,550,000	9.4 (8.0–11.1)	2,140,000	14.1 (12.4–16.0)	380,000	3.3 (2.6–4.2)
Among current e-cigarette users						
Frequency of use during past 30 days						
1–5 days	1,030,000	40.6 (37.2–44.1)	790,000	37.2 (33.4–41.1)	230,000	60.0 (53.3–66.3)
6–19 days	430,000	17.1 (14.2–20.4)	360,000	16.8 (13.9–20.2)	70,000	19.3 (12.7–28.3)
20–30 days	1,080,000	42.3 (38.5–46.3)	980,000	46.0 (41.6–50.4)	80,000	20.8 (15.8–26.8)
Daily e-cigarette use [‡]	700,000	27.6 (24.5–31.0)	640,000	30.1 (26.6–33.9)	40,000	11.7 (8.0–16.7)

1 ALL STUDENTS VS CURRENT USERS

The first thing to understand about this chart is that we are looking at two types of percentages. One is **“among all students,”** which means it’s a percentage of all U.S. students. The second is **“among current e-cigarette users”** which means only of those students who reported current vaping.

2 PERCENTAGE OF A PERCENTAGE

That means that the percentages outlined in green are each a **percentage of the highlighted percentage above. They are not percentages of all students.**

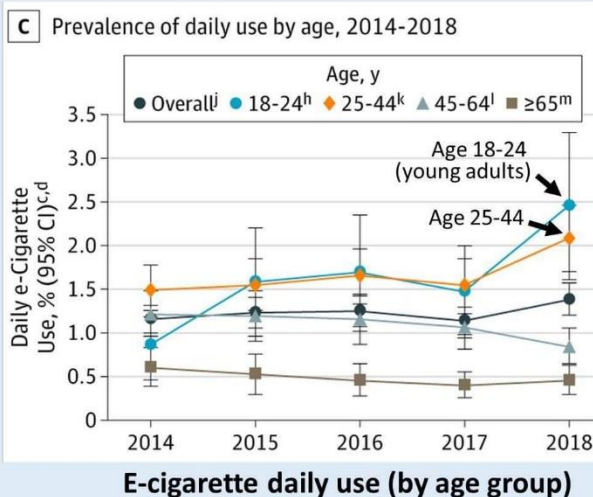
3 ARE WE SURE?

Look carefully at the data again. The total number of students who reported current vaping is 2,550,000, which as a percentage is 9.4% of all students. Daily e-cigarette use is reported as 27.6%. **That can't be a percentage of all students,** because we already established **only 9.4% vaped at all.** It means **27.6% of the 9.4%** of students who vaped, vaped daily. If we do the math **2.59% of all students vaped daily.**

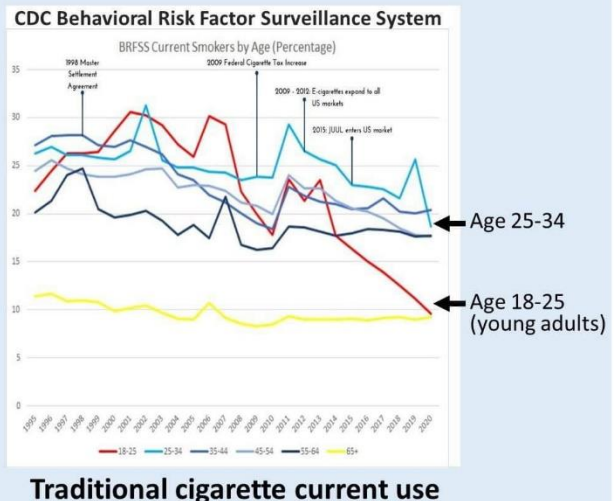
4 DOUBLE CHECK THE MATH

Let's test this to confirm it. What is 27.6% (the percentage of those who vaped daily) of 2,550,000 (the total number of students who vaped at all)? **703,800.** The CDC rounds their numbers, so that lines up with the estimate of **700,000** kids. Meaning we are reading the data correctly.

Among all US adults, the age group with the steepest rate of smoking decline is the one with the highest rate of ecig use



<https://jamanetwork.com/journals/jama/fullarticle/2751687>



https://www.cdc.gov/brfss/annual_data/annual_2020.html



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The unintended consequence of a flavor will drive users to look at the black market and purchase unregulated products unregulated and most likely will lead to an increase in smoking with underage kids that we have seen in San Francisco and Massachusetts, along with driving some adults back to cigarettes.

I urge you to vote no on HB3090 as it would hurt adults who have chosen a safer off ramp from combustible cigarettes.

Regards,

Shaun D'Sylva

Owner – Fatboy Vapors - Gresham