



**Before House Finance Committee
Testimony of James Jarvis, Ohio Vapor Trade Association
May 7, 2019**

Chairman Oelslager, Vice Chair Scherer, Ranking Member Cera and members of the Finance Committee. Thank you for allowing me to appear before you today to discuss concerns with Sub House Bill 166. My name is James Jarvis and I am the President of the Ohio Vapor Trade Association.

The Ohio Vapor Trade Association (OHVTA) is a statewide association of stand-alone vapor stores, stores that believe it is their mission to provide a safer alternative to those who do or have smoked traditional tobacco. Additionally, OHVTA promotes common sense regulations on the vapor industry and along with our national association the Vapor Technology Association promotes marketing standards.

While OHVTA has serious concerns with Governor DeWine's Tobacco 21 proposal to raise the age of buying vapor products to 21 - which we have discussed with many of you or your staff members - I am here today to specially address language that was inserted in the Substitute version of the bill which seeks to expand the definition of "tobacco product" (Line 12940).

While OHVTA understands the perception that vapor products could be classified along with traditional tobacco products like cigarettes and chewing tobacco, we fundamentally believe that while vapor products contain nicotine, they are not a tobacco product.

First and foremost, vapor does not contain tobacco. I know that may sound contrite and trivial, but it is reality. While vapor products contain nicotine, which is classified the same way caffeine is by the FDA, our products are limited to four ingredients and nothing burns or combusts. Therefore, there is no comparable justification for including vapor products in the definition of tobacco products or cigarettes.

Additionally, classifying vapor products as a tobacco product sends the message to those looking to switch off of traditional tobacco that vapor products are just as dangerous and that there is no benefit to switching. This simply not true and a dangerous precedent for the state to set.

Leading scientific bodies around the world have concluded that vapor products are at least 95% safer than combustible cigarettes. In 2015, United Kingdom's Department of Health - [Public Health England](#) (PHE) - performed a landmark independent evidence review concluding that e-

cigarettes are significantly less harmful to health than traditional combustible cigarettes. With respect to vapor products, PHE concluded that “most of the chemicals causing smoking-related disease are absent and the chemicals present pose limited danger,” and that “the current best estimate is that e-cigarette use is around 95% less harmful than smoking” cigarettes.

Further, even the Federal Drug Administration and the American Cancer Society have indicated that if smokers could switch from traditional tobacco to vapor, they would see significant improvements.

Codifying vapor products and liquid nicotine as a tobacco product will have long standing consequences beyond the desire to raise the age of smoking and vaping to 21. If it is the goal of the state of Ohio to reduce smokers, vapor must be realized as a method of quitting traditional tobacco.

I would be remiss if I didn't mention the larger issue of Tobacco 21. OHVTA is extremely concerned with minors getting and using vapor products. We fundamentally believe that vapor products are for adults only. However, by taking away the ability for those 18, 19, and 20 to switch to vapor products from traditional tobacco you are setting them up to continue to use products which we know are harmful. We know that in places where Tobacco 21 has been enacted those three age groups are twice as likely to return to traditional cigarettes, they don't stop using the product all together.

Additionally, the language for Tobacco 21 is cumbersome and redundant and it is evident that those pushing the issue do not understand the industry or the product. OHVTA is the leading advocacy organization for vapor products and retailers in Ohio and wants to work with our health partners on preventing minors from accessing vapor products.

Mr. Chairman, thank you again for the opportunity to provide testimony on this important issue. We respectfully ask that you remove the expanded definition of “tobacco product”.

I'd be happy to answer any questions you may have.



Vapor Products Are Not Tobacco Products

Background Information on Vapor Products:

- Everyday millions of people are using e-cigarettes to reduce cigarette smoking and quit altogether. Anything that discourages them from quitting is terrible public policy.
- The main ingredients in e-liquid solution by volume are propylene glycol, and/or vegetable glycerin, flavoring agents, and nicotine when present. Propylene glycol and vegetable glycerin are approved by the FDA for human consumption and are used in several consumer products including foods, cosmetics, and pharmaceutical products.
- The National Academies of Sciences recently found that there is conclusive evidence that completely substituting e-cigarettes for conventional cigarettes reduces users' exposure to many toxicants and carcinogens present in conventional cigarettes.
- The fundamental difference between vapor products and combustible cigarettes is that there are over 4,000 identified chemicals and carcinogens in tobacco smoke. Simply put, vapor products like e-cigarettes do not contain carbon monoxide or tar.

FDA Regulation:

- In August 2016, the FDA by rule extended its jurisdiction over a number of products including vapor products, cigars, and pipe tobacco.
- In July 2017, FDA Commissioner Scott Gottlieb announced a new comprehensive approach to the regulation of nicotine. The FDA acknowledged it is the chemicals in cigarettes and not the nicotine that is directly responsible for the cancer, lung disease, and heart disease that kills hundreds of thousands of Americans each year.
- “If a current smoker, otherwise unable or unwilling to quit, completely substituted all of the combusting cigarettes that they smoked with an electronic cigarette at the individual

level, that person would probably be significantly reducing their risk.” *Mitch Zeller, Director, Center for Tobacco Products, FDA*

Science Demonstrates that Vapor Products Are At Least 95% Less Harmful than Combustible Cigarettes

E-CIGARETTES: AN EVIDENCE UPDATE:

A Report Commissioned by Public Health England, May 2016

The United Kingdom’s Department of Health (Public Health England) recently re-affirmed its 2014 conclusion that “most of the chemicals causing smoking-related disease are absent and the chemicals present pose limited danger.” After another independent exhaustive review of all existing scientific literature, Public Health England concludes that “the current best estimate is that e-cigarette use is around 95% less harmful than smoking” tobacco.

Read the full report: <https://www.gov.uk/government/publications/e-cigarettes-an-evidence-update>

NICOTINE WITHOUT SMOKE: TOBACCO HARM REDUCTION:

Royal College of Physicians, April 2016

This 200-page report provides an update on the science of tobacco harm reduction, in relation to all non-tobacco nicotine products but particularly vapor products. The Royal College of Physicians concluded that e-cigarettes, at most, have only 5% of the risk profile of combustible cigarettes.

Read the report here: <https://www.rcplondon.ac.uk/projects/outputs/nicotine-without-smoke-tobacco-harm-reduction-0>

NICOTINE, CARCINOGEN, AND TOXIN EXPOSURE IN LONG-TERM E-CIGARETTE AND NICOTINE REPLACEMENT THERAPY USERS: A CROSS-SECTIONAL STUDY

Annals of Internal Medicine, February 2017

In February 2017, researchers from the US Centers for Disease Control and Prevention, the Roswell Park Cancer Institute in New York, and the University College London concluded yet another study finding that using e-cigarettes is far safer and less toxic than smoking conventional tobacco cigarettes. **The study concluded that long-term NRT-only and e-cigarette-only use is associated with substantially reduced levels of measured carcinogens and toxins relative to smoking only combustible cigarettes.**

Read the study here: https://www.eurekalert.org/pub_releases/2017-02/cru-est020317.php.