
Prevention Action Alliance

Educate. Empower. Advocate.

House Bill 96

Ohio House Children and Human Services Committee

Prevention Action Alliance

March 5, 2025

Chairwoman White, Vice-Chair Salvo, Ranking Member Lett and members of the House Children and Human Services Committee. Thank you for the opportunity to provide interested party testimony on House Bill 96. My name is Fran Gerbig, and I am the Executive Director of Prevention Action Alliance (PAA). PAA is a statewide nonprofit prevention agency based in Columbus, Ohio and has been in existence for over thirty years. Prevention Action Alliance is dedicated to leading healthy communities in the prevention of substance misuse and the promotion of mental health wellness. Our organization offers an abundance of resources, training services, grants, and advocacy opportunities for those who are active in the prevention and mental health fields.

Prohibition on Flavored Electronic Liquids

One of the most vital components of this legislation is the statewide ban on flavored electronic liquids. This legislation defines “flavored electronic liquid” as any liquid containing nicotine—whether synthetic or otherwise—that has a characterizing flavor other than tobacco. This includes flavors that appeal specifically to youth, such as candy, fruit, chocolate, vanilla, mint, and menthol.

The robust flavored electronic liquids is intentional. Youth report that 80 percent of them who started using tobacco products started with a flavor¹. This has been in the tobacco industry’s playbook since the 1970s, with a memo from R.J. Reynolds stating “Make a cigarette which is obviously youth oriented. This could involve cigarette name, blend, flavor and marketing technique....for example, a flavor which would be candy-like but give the satisfaction of a cigarette”. Now we are seeing that over 87 percent of youth e-cigarette users use flavored products².

By enacting a statewide ban on flavored electronic liquids, we are addressing a significant driver of e-cigarette use among young people. Studies have shown that flavored products are a major factor in youth initiation into nicotine use. With this bill, we are taking necessary action to protect our children and prevent them from becoming addicted to nicotine at an early age.

¹ Ambrose et al., *JAMA*, 2015

² 2024 NYTS

Licensing and Regulation of Vapor Products

Additionally, this bill establishes a licensing scheme for vapor products, which will provide a structured and regulated framework for their sale. This licensing will go into effect one year after the legislation's passage and will require businesses dealing in vapor products to register with the Department of Health. These regulations will ensure that companies are held accountable for selling products responsibly and in compliance with state laws.

The FDA has approved only 34 tobacco- and menthol-flavored e-cigarette products and devices, but more than 6,000 e-cigarette products are being sold illegally. Unauthorized e-cigarettes account for 86% of e-cigarette sales³. There is no regulation on nearly 90 percent of the products being sold, and ensuring oversight will ensure that Ohioans tobacco and nicotine products have consumer protection and that the products has FDA oversight.

Currently there is no way to track vapor product retailers without a tobacco license. Basically, if the establishment isn't selling cigarettes, there is no state oversight. This system will also make it easier to track businesses dealing in vapor products and enforce rules, ensuring a safer market for consumers and reducing youth access to these products.

Advertising Restrictions

This bill also addresses the important issue of tobacco product advertising, particularly in spaces where youth are heavily engaged. It includes strong restrictions on advertising for tobacco products on commercial platforms or services that are likely to be used by minors. This includes websites, apps, and social media channels. Examples can be found at the end of this testimony.

By restricting tobacco advertising to minors, we are reducing the likelihood that young people will be exposed to marketing that may lead them to start using tobacco products. This measure is a necessary step in protecting the next generation from becoming addicted to nicotine.

Increased Tobacco and Nicotine Taxes

The bill also includes provisions to increase taxes on tobacco products, including cigarettes, cigars, and nicotine pouches. By raising the cigarette tax by approximately \$1.50 per pack and increasing the tax on other tobacco products (OTP), we will generate revenue that can be reinvested into programs aimed at preventing tobacco use and helping those who want to quit.

Increasing taxes on tobacco products has proven to be an effective way to reduce their use, especially among younger people. As stated previously, tobacco companies have taken aim at youth, especially with flavors. By making tobacco products more expensive, we can further deter their use and reduce the overall impact of tobacco-related diseases in our state.

Investing in Prevention and Cessation Programs

Finally, PAA would like to emphasize the funding provisions in this legislation. Gov. DeWine's proposal allocates \$20 million over the biennium to support tobacco prevention and cessation programs. These

³ <https://truthinitiative.org/research-resources/tobacco-industry-marketing/us-retail-sales-data-show-86-e-cigarette-sales-are#:~:text=New%20research%20from%20Truth%20Initiative,the%20market%20are%20illegal%20products.>

programs will help reduce smoking rates, particularly among vulnerable populations, and provide much-needed assistance to those who want to quit smoking. Additionally, the bill allocates \$5 million for tobacco oversight and enforcement, ensuring that our state's regulations are properly upheld.

The bill also creates a \$2 million fund for investigation grants to support efforts to ensure that tobacco laws are being followed and that harmful practices are being prevented.

Conclusion

In conclusion, this budget takes a comprehensive approach to addressing tobacco use in our state. From banning flavored e-liquids to implementing stricter advertising restrictions and raising taxes on tobacco products, this bill provides the necessary tools to reduce tobacco consumption, particularly among young people. The funding provisions will help ensure that we continue to provide support for those trying to quit and that our tobacco laws are effectively enforced.

I urge you to support this important legislation. By passing this bill, we can make a meaningful difference in the lives of our residents, reduce the burden of tobacco-related diseases, and protect the health of future generations.

Thank you for your time and consideration. I am happy to answer any questions you may have.

Examples of youth-targeted ads



<https://www.forbes.com/sites/kathleenchaykowski/2018/11/16/the-disturbing-focus-of-juuls-early-marketing-campaigns/>



<https://truthinitiative.org/research-resources/tobacco-industry-marketing/4-marketing-tactics-e-cigarette-companies-use-target>