



To: Members of the Joint Committee on Tax Expenditures
From: Christina Bodamer, Oregon Government Relations Director, American Heart Association
Date: June 14, 2019
Re: House Bill 2270A

Tobacco remains the number one cause of preventable death and disease in Oregon, causing nearly 8,000 deaths per year. According to the Tobacco Centers of Regulatory Science, cardiovascular disease is the leading cause of death in smokers. Direct medical costs related to cardiovascular disease are larger than medical costs related to any other disease, including Alzheimer's and diabetes. Additionally, indirect costs of cardiovascular disease related to lost productivity in the workplace and home. Therefore, the American Heart Association is submitting our support of HB 2270A with no further amendments.

The power of public health is the power of prevention. One of the best ways to reduce the number of tobacco-related deaths and disease is to deter people from using these products, especially youth. Raising this tobacco tax helps price youth out of the market, preventing an estimated 19,000 kids from starting smoking and the potential health outcomes we know to be associated with tobacco use. HB 2270 would raise the tobacco tax not only on cigarettes but also on e-cigarettes, the fastest growing tobacco product among youth and is currently untaxed in Oregon.

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 and deserves special consideration of how taxes are handled as we include them in the current definition of other tobacco products. 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. Data from the CDC and FDA state that in 2018, nationally one in five high school kids used e-cigarettes, a 78% increase from 2017. 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). Because of this, e-cigarettes should be considered as an exponential threat and should be excluded from the current preemptions other tobacco products to allow communities and municipalities to address their own concerns locally.

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. 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

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

We are still learning about the long-term effects of e-cigarettes and the net impact to public health associated with their use. However, there is already enough evidence to justify efforts to prevent youth use. 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 Frieden 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.

In Conclusion

Cigarette smoking is well established to cause acute cardiovascular events like heart attack, stroke, and sudden death. Smoking cigarettes can cause an array of body disruptions that can lead to cardiovascular disease and lifelong health issues. The importance of HB 2270A, with no further amendments, is that it creates mechanisms 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. And creating the definition of e-cigarettes in a way that allows for further tobacco control efforts to be pursued at the local level ensures that Oregon will be in the best place possible to finally end tobacco's plight on our citizens. This critical package not only supports clinical services to vulnerable populations covered by the Oregon Health Plan, it will provide vital support for community-driven tobacco prevention, education, and cessation programs throughout the state.

Members of the committee, I urge your support of HB 2270A with no further amendments.