

## H. 26

Thank you Madame Speaker. H. 26 would prohibit Internet sales of e-cigarettes, liquid nicotine and other substances that contain nicotine or are otherwise intended for use with e-cigarettes, and tobacco paraphernalia in Vermont. Members can follow along on page 524 in the March 1<sup>st</sup> House Calendar.

In December of 2018, the Surgeon General took a very unusual step by releasing an advisory emergency statement about electronic cigarettes referring to the issue as an epidemic and expressing the need for rapid action to avoid a population health disaster.

The trigger was the astounding 80% increase over one year in e-cigs. usage by high school students and 47% increase of middle school students; ALL IN ONE YEAR!

Data from the 2018 National Youth Tobacco Survey shows that a teenager who starts using e-cigarettes, otherwise known as VAPING, is 4 times more likely to become a traditional cigarette smoker than a teenager who does not. The huge population health implications is obvious. Teens get addicted to nicotine at lower levels than adults and addiction is more difficult to overcome. The gains we have made against tobacco over the last 50 years are at risk of being rapidly reversed.

You may remember about a month ago this body passed H. 47, a bill that places an excise tax on the liquids and delivery devices of e-cigarettes to discourage use among youth, the most price-sensitive consumers. Today, I present more legislation to combat this epidemic. **H. 26 an act that restricts retail Internet sales of electronic cigarettes, liquid nicotine, and tobacco paraphernalia in Vermont.**

So why target online sales? We already have a law that prohibits Tobacco products from being sold online and shipped to one's home. They can only be shipped to a licensed distributor. 90% of tobacco products provided to younger teens come from those 18 to 21 years of age who have legally purchased the products. For e-cigarettes, only about half are provided by friends because the teens are able to go on line and purchase e-cigarettes and paraphernalia. In searching online for paraphernalia, I found hoodie sweatshirts with the cords that hang in the front to tighten the hood, those cords were hollowed out so that e-cigs would fit inside so as to go unnoticed when vaping while in school!

Several studies have demonstrated that most online e-cigarette sellers do a very poor job of age verification. One study found 61% had only a check box asking if you are over 18. Another 35% had no attempt whatsoever to verify age. Although, it is important to note that everyone we talked to in committee that sold e-cigarettes at community grocery stores were very careful to check identification in a systematic way. Enforcement studies in Vermont show \_\_\_% compliance with age verification on all nicotine products. However, studies across America demonstrate kids under 18 are very successful when buying e-cigarettes on line.

Vermont continues to have a tobacco problem especially among our youth. Our high school smoking rate is higher than the national average (9.3% vs. 7.6%) We spend \$348 million yearly on direct health costs related to tobacco in Vermont. We spend \$851 per household on government health care obligations related to tobacco. Most shockingly, there are 10,000 kids alive today in Vermont who will die prematurely from tobacco related illnesses without counting the coming increase in smoking due to the e-cigarette epidemic.

Now, let me turn to the specifics in this important bill, H. 26:

**Section 1 speaks to licenses that are required** for retail sale of tobacco products, tobacco substitutes, and tobacco paraphernalia. Under current law, no one is allowed to sell cigarettes or other tobacco products, tobacco substitutes (including e-cigarettes) or tobacco paraphernalia in a retail establishment unless that person has a license from the Division of Liquor Control. This section prohibits anyone from selling “tobacco substitutes” (e-cigarettes), substances containing nicotine or otherwise intended for use with e-cigarettes or tobacco paraphernalia unless that person is licensed as a wholesaler or is purchasing the items from a wholesaler.

**Section 2 speaks to the Internet and mail order sales of tobacco products.** Under current law, no one is allowed to sell cigarettes, roll-your-own tobacco, little cigars or snuff by mail, phone or over the internet to be shipped to anyone in Vermont other than a licensed wholesale dealer or retailer. This section adds tobacco substitutes (e-cigarettes) and tobacco paraphernalia to the law.

The House Human Services Committee heard from witnesses with multiple perspectives:

We heard from the Commissioner of the Vermont Department of Health  
A Pediatric Intensivist from UVM Medical Center on behalf of the VT Medical Society  
Principal of South Burlington High School  
Highschool and Middle School students  
Deputy Chief Counsel from the Office of Legislative Council  
Chief, of the Public Protection Division in the Attorney General’s Office  
Co-owner of the Beverage Den and Vape Shop in Bennington  
Public Health Policy Advisor from the Vermont Dept. of Health  
A Vapor Shop Owner from Bellows Falls  
Health Promotion Division Director from the American Lung Association of the  
Northeast  
Lobbyist for the Vapor Technology Association  
President of the Vermont Retail & Grocers Association  
And the Sponsor of the bill

The explosion of e-cigarette usage among teens must be contained. I am pleased to report that the House Human Services Committee voted 11 to 0 in favor of this important bill; We ask that

you, too, will support H. 26. As a Vape Shop owner commented in committee, “it’s a win for local retail and a win for public health!”

Thank you.