



Rhode Island Tobacco Control Network



OPPOSE HB 5876 and SB 622

The most effective proven approach to reducing death and disease caused by smoking and other tobacco use is a three-pronged strategy combining:

- Comprehensive smoke-free and tobacco-free laws;
- Regular and significant increases in tobacco taxes; and
- Fully-funding evidence-based tobacco prevention and cessation programs.

HB 5876 and SB 622 are identical bills masquerading as tobacco prevention strategies. These bills are being pushed by the tobacco industry as a vehicle to establish its own agenda in the area of an emerging and currently unregulated tobacco product.

We oppose HB 5876 and SB 622 because this legislation:

- **Undermines Rhode Island's future regulation of E-Cigarettes:** The bill embeds exemptions within the definitions of "tobacco-derived product" and "vapor product" so as to exclude "any product regulated by the United States Food and Drug Administration under chapter V of the Food, Drug and Cosmetic Act." The FDA intends to regulate electronic cigarettes as tobacco products soon. Once these products are regulated to any degree by the FDA, the State will lose any authority for stricter controls.

- **Creates regulatory loopholes:** It is not clear whether every product marketed as an E-cigarette even contains tobacco, or nicotine derived from tobacco. Therefore, there may be loopholes should FDA attempt to regulate E-cigarettes. The definition of tobacco products resulting from this bill will not include all electronic and vapor products currently on the market, leading to confusion.
- **Does not clearly tax E-cigarettes:** The bill does not include language affirming that this “new” product is subject to taxation as other tobacco products are. Rhode Island does not currently tax “E-cigarettes” as a tobacco product. This legislation, however, does not add “tobacco-derived product” or “vapor product” to those products (“packages of cigarettes”) which require a stamp “as evidence of the payment of the tax” under the chapter 44-20-1 (11).
- **Creates obstacles to enforcing penalties against merchants which violate the Youth Access Law:** The bill strikes R.I. Gen. Laws § 11.9.13.14, which requires the courts to maintain records of penalties and fines imposed for violations of the state’s Youth Access Law and notify the Division of Taxation of the disposition of violations. Doing so will impede record-keeping and tracking of youth access violations. This, in turn, would likely affect the Division of Taxation’s ability to suspend or revoke licenses for repeat violations of the state’s Youth Access Law. The Department of Behavioral Healthcare, Developmental Disabilities and Hospitals (BHDDH) needs access to these records in order to effectively track the disposition of violations and convey that information to the Division of Taxation. Eliminating ready access to violation histories has serious consequences for effective enforcement of the state’s Youth Access Law. There is no clear reason why this provision is relevant to the stated purpose of the bill, and in fact, it appears to conflict with it.
- **Imposes penalties on minors** for attempting to purchase or possess tobacco-derived or vapor products. As tobacco control advocates, we believe that the responsibility for illegal sales to minors rests with tobacco retailers and/or sales clerks, not minors.

Signers:

American Cancer Society-Cancer Action Network
 American Heart Association
 American Lung Association
 Campaign for Tobacco-Free Kids
 Leukemia & Lymphoma Society
 March of Dimes
 Partnership to Reduce Cancer in Rhode Island
 Rhode Island Medical Society
 Rhode Island Public Health Institute
 Rhode Island State Nurses Association

Barrington Prevention Coalition
 East Providence Prevention Coalition
 Narragansett Prevention Partnership
 North Kingstown Prevention Coalition