

Good Evening Chairman Miller and members of the committee,

My name is Jennifer Wall and I am the Director of Health Education and Public Policy at the American Lung Association in Rhode Island. The American Lung Association opposes S2228.

The intent of the bill is to prohibit the use of electronic nicotine delivery system devices in RI workplaces. While the American Lung Association appreciates this intent and shares the overarching goal of minimizing the amount of people exposed to electronic nicotine delivery systems secondhand emissions and protecting them from these highly-addictive tobacco products, we oppose this bill on the grounds that the proposed language is contrary to the stated intent.

The new carve out for “electronic smoking device establishments” is defined in such a manner that it creates incentives and a new market for establishments to use these products indoors, thus exposing more employees and patrons to secondhand emissions. An “electronic smoking device establishment” is defined as “a business which sells food or alcohol and for which the principal or core business is selling electronic nicotine delivery system devices as evidenced by thirty-three percent or more of gross sales receipts are derived from electronic nicotine delivery system devices and where combustible substance are prohibited”. How is it that if the principal or core business is selling electronic nicotine delivery systems devices, that the gross sales receipts are only 33%? In other states, we’ve seen that limit as 70 or 80 percent.

In RI, a smoking bar is defined as an annual revenue generated by tobacco sales which must be greater than fifty percent of the total revenue for the establishment and the service of food or alcohol is only incidental to the consumption of such tobacco products. Why isn’t an electronic smoking device establishment defined at minimum by the same 50 percent? The electronic smoking device establishment definition as proposed creates an inequitable playing field.

The American Lung Association suggests the following language be tightened up to improve the proposed legislation and protect as many employees and patrons from second-hand smoke as possible:

- Increase the gross sales receipts in the electronic smoking device establishment definition from 33% to a minimum of 50%.

- Add language that you must be at minimum, 18 years of age to enter electronic smoking device establishments and smoking bars (but we'd prefer it to be 21).

The American Lung Association opposes S2228 however we stand ready to work with Senate President Ruggiero and other bill co-sponsors to improve this bill to protect the health and safety of RI employees and the general public. Thank you Senate President Ruggiero for working towards keeping electronic cigarettes out of indoor workplaces and public spaces. By working together to tighten up the language we can have a bill that truly protects the health and safety of RI employees and the general public.