



RHODE ISLAND
MEDICAL SOCIETY



RHODE ISLAND ACADEMY OF
FAMILY PHYSICIANS
STRONG MEDICINE FOR RHODE ISLAND



April 16, 2015

Hon. Joshua Miller
Chairman, Senate Committee on Health and Human Services
Rhode Island State House
Providence, RI 02903

RE: S0489 AN ACT RELATING TO HEALTH AND SAFETY -- PUBLIC HEALTH AND WORKPLACE SAFETY ACT

Dear Chairman and Members of the Committee:

The undersigned public health organizations and public health professionals are in strong support of the intent of S 489 that would add electronic nicotine delivery systems (also known as electronic smoking devices or e-cigarettes) to Rhode Island's smoke free workplaces and public places law.

We respectfully recommend that the simplest and most straightforward way to achieve this is to add the use of electronic nicotine delivery systems to the definition of "smoking" in the smoke free workplace law, 23-20.10 Public Health and Workplace Safety Act, as follows:

1.19 "*Smoking*" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form; provided, however, that smoking shall not include burning during a religious ceremony. "Smoking" also includes the use of electronic cigarettes, electronic cigars, electronic pipes, or other similar products that rely on vaporization or aerosolization.

The use of electronic cigarettes containing tobacco-derived highly addictive nicotine is on the rise in the United States and in Rhode Island. A recent survey found that in the past month more high school students used e-cigarettes than traditional cigarettes.ⁱ Data from the 2011 and 2013 National Youth Tobacco Survey conducted by the US CDC shows that high school use rate has tripled over the past three years.ⁱⁱ This skyrocketing of use is not limited to youth – as the rate of use among current and former smokers who have ever used electronic cigarettes nearly quadrupled from 9.8% in 2010 to 36.5% in 2013.ⁱⁱⁱ

Electronic cigarettes produce an aerosol or vapor of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products. Their use in workplaces

and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions. The World Health Organization (WHO) recommends that electronic smoking devices not be used indoors, especially in smoke free environments, in order to minimize the risk to bystanders of breathing in the aerosol emitted by the devices and to avoid undermining the enforcement of smoke free laws.^{iv}

The exponential growth in use of e-cigarettes is only made worse by the fact that the electronic cigarette and “vaping” industry is largely unregulated. In the absence of federal regulation, the RI General Assembly decided last year to take action to protect RI youth from an unregulated product whose safety is unproven, by passing a law to prohibit the sale of e-cigarettes to minors and also require sellers of e-cigarettes to be licensed and regulated by the RI Department of Health. We now encourage the RI General Assembly to add electronic smoking devices to our smoke free law.

Tobacco use remains the leading preventable cause of disease, disability and death in the United States and in Rhode Island, responsible for about 440,000 deaths nationwide, including more than 1600 deaths statewide per year. And while e-cigarettes are touted by some as smoking cessation aids, there is no scientific evidence to support this claim and the FDA has not approved any e-cigarettes as a safe or effective method to help smokers quit.

Rhode Island has long been a national leader in strong smoke free laws protecting workers, children, and non-smokers from secondhand smoke exposure. We were the 7th state in the nation to enact a comprehensive statewide indoor smoke free law in 2005. Rhode Island has received an “A” grade every year in the American Lung Association’s State of Tobacco Control Report Card every year since, and in March we celebrated the tenth anniversary of this landmark smoke free law. S 489 would include electronic smoking devices in our smoke free law that protects the public’s health and deters smoking.

We have established a strong social norm in Rhode Island over the course of ten years that all indoor non-private residence areas are smoke-free. People who wish to smoke tobacco or any substance know that they need to go outside to smoke. People who wish to use e-cigarettes should also go outside to use them. ***Our indoor public spaces and workplaces should be completely free of any device use that pollutes the air we all breathe with smoke or aerosol or vapor.***

With the relative newness of electronic nicotine delivery systems, there is a minimal amount of scientific review of these products, including long-term use and exposure. The health consequences of the use of e-cigarettes and exposure to secondhand e-cigarette emissions are unknown. ***There is currently no scientific evidence establishing the safety of e-cigarettes.*** In initial lab tests conducted in 2009, FDA found detectable levels of toxic cancer-causing chemicals, including an ingredient used in anti-freeze, in two leading brands of e-cigarettes and 18 various cartridges.^v

There is no evidence that shows the aerosol emitted by e-cigarettes is safe for non-users to inhale. In fact, two initial studies have found formaldehyde, benzene and tobacco-specific nitrosamines (a carcinogen) coming from the secondhand emissions from e-cigarettes.

The use of e-cigarettes in public places and workplaces may also complicate efforts to enforce and comply with smoke free laws.

The undersigned public health organizations and public health professionals strongly support including a prohibition on use of e-cigarettes in indoor workplaces and public places within Rhode Island’s smoke free law.

For your reference, please find attached an e-cigarette fact sheet from the American Lung Association.

Sincerely yours,

Karina Holyoak Wood, Policy Director
American Lung Association in RI

Michael Migliori, MD, Chair, Public Laws Committee
RI Medical Society

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Director of Advocacy - Northeast Region
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ⁱ <http://monitoringthefuture.org//pubs/monographs/mtf-overview2014.pdf>

ⁱⁱ <http://www.cdc.gov/media/releases/2014/p0825-e-cigarettes.html>

ⁱⁱⁱ Brian A. King, Roshni Patel, Kimberly Nguyen, and Shanta R. Dube. "Trends in Awareness and Use of Electronic Cigarettes among U.S. Adults, 2010-2013." *Nicotine & Tobacco Research*. First published online September 19, 2014, doi:10.1093/ntr/ntu191

^{iv} World Health Organization (WHO), "Electronic nicotine delivery systems," World Health Organization (WHO), 2014.

^v U.S. Food and Drug Administration. "Summary of Results: Laboratory Analysis of Electronic Cigarettes Conducted by FDA." July 22, 2009. Available at: <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm173146.htm>.