



The Consumer Advocates for Smoke-free Alternatives Association

www.casaa.org

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March 24, 2020

SENT VIA EMAIL

Senator Andrea Stewart-Cousins
188 State Street Room 907, LOB
Albany NY 12247

Re: Removing S. 7507, Part Q - Sale of Flavored Vapor Products Prohibited

Senate Majority Leader Stewart-Cousins,

I am writing on behalf of The Consumer Advocates for Smoke-free Alternatives Association (CASAA), our 15,000+ members in New York, and as a voter and taxpayer living in Plattsburgh, NY urging you to remove Part Q from S. 7507-A. This section would prohibit the sale of low-risk, smoke-free nicotine and tobacco products in flavors other than tobacco--even if such products are approved for market by the U.S. Food and Drug Administration. **It is vital that thousands of New Yorkers who are greatly reducing their risk by switching to smoke-free alternatives are able to continue buying and benefiting from these products.**

Specialty vape shops play a significant role in helping people improve their health by providing low-risk alternatives to smoking and educating consumers about the variety of liquids and devices and how to use them. A flavor ban on low-risk tobacco and nicotine products will close hundreds of these shops in New York and put consumers who rely on them at greater risk of returning to smoking. Moreover, during New York's statewide "P.A.U.S.E.," in response to slowing the spread of COVID-19, gas stations, grocery stores, and pharmacies will continue selling combustible tobacco products. **While we are hopeful that some people will find alternative sources of smoke-free products, many others are temptingly just steps away from easy access to combustible tobacco.**

I am also taking this opportunity to clear up some misinformation about vaping, smoking and the risk to young people for being infected with COVID-19. **There is no evidence to support claims that vaping or smoking is driving higher rates of infection or more severe**

symptoms among any age group.¹ While early data from China suggests that, with regard to smoking, the opposite may be true,² all of the diseases attributed to smoking (COPD, heart disease, diabetes, etc.) are underlying conditions that can negatively affect a person's chances of surviving a severe COVID-19 infection. People who switch from smoking to vaping are recovering from these dangerous conditions and some are showing a reversal in the harm caused by smoking.³ **If for no other reasons, specialty vape shops need to remain open during and beyond the shutdown to (1) prevent people from returning to smoking and (2) provide a low-risk alternative to people who will now attempt to quit smoking.** While access to approved over-the-counter therapies is absolutely vital, these products have demonstrated low adoption and success rates under “normal” circumstances. The stress and anxiety of adapting to stay-at-home orders may make traditional smoking cessation products even less effective.

Smoking cessation options are limited and success rates with approved products and therapies are low. But in 2013, when vaping became more widely adopted, smoking cessation became more accessible and attractive to millions of people all over the world. We note that many of these people had tried and failed repeatedly to quit by traditional means, prolonging their exposure to the toxic byproducts of combustible tobacco. In the United States, the availability of vapor products can be credited with 60%-80% of the accelerated decline in smoking.⁴ **Maintaining access to low-risk vapor products is vital to continue reducing the economic and public health toll caused by smoking.**

The vapor industry grew up around meeting the needs of people who smoke. From their humble beginnings in kitchens and garages, e-liquid manufacturers and device (mod) makers are answering the call from millions of people who smoke to provide interesting and effective⁵ alternatives to smoking. Today, amidst the COVID-19 crisis, e-liquid manufacturers are answering the call again by retooling production lines to make hand sanitizer and retailers are doing everything they can to make sure that their communities continue to have access to smoke-free alternatives. **Even though the prohibition on sales of flavored vapor products may take effect in July (hopefully when new cases of COVID-19 are declining), the need**

¹ Roberto Sussman, Carmen Escrig, Vaping and SARS-CoV-2 and COVID-19: Technical Information for vapers, 24 March 2020. Accessed from <https://clivebates.com/documents/COVID19SussmanEscrigReview.pdf>, March 25, 2020.

² Farsalinos, Konstantinos, et al. “Smoking, Vaping and Hospitalization for COVID-19.” *Qeios*, 2020, doi:10.32388/z69o8a.3.

³ Polosa R, Morjaria JB, Prosperini U, et al. “Health effects in COPD smokers who switch to electronic cigarettes: a retrospective-prospective 3-year follow-up.” *Int J Chron Obstruct Pulmon Dis*. 2018;13:2533–2542. Published 2018 Aug 22. doi:10.2147/COPD.S161138

⁴ Shapiro, R., Aneja, S., “The Impact of Electronic Cigarettes on Cigarette Smoking By Americans and Its Health and Economic Implications.” July 2019. Accessed from <https://www.progressivepolicy.org/issues/the-impact-of-electronic-cigarettes-on-cigarette-smoking-by-americans-and-its-health-and-economic-implications/>, March, 21, 2020.

⁵ Hajek P, Phillips-Waller A, Przulj D, Pesola F, Myers Smith K, Bisal N, et al. A randomized trial of e-cigarettes versus nicotine-replacement therapy. *N Engl J Med*. 2019;380(7):629–37.

to move people to low-risk nicotine products will remain. Access to vapor products and the shops that sell them is vital to this goal.

CASAA, our members in New York, and I urge you to remove S. 7507-A, Part Q and preserve consumers' access to low-risk, smoke-free alternatives to combustible tobacco. Now, more than ever, there is a critical need to rapidly reduce smoking prevalence and a harm reduction approach is vital to achieving this goal. I appreciate your time and consideration in this matter and thank you for considering our comments. If you have any questions, please contact me at aclark@casaa.org or (201) 310-0941.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Clark', written in a cursive style.

Alex Clark
CEO, CASAA

CC:

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Senator Flanagan: flanagan@nyssenate.gov

Senator Griffo: griffo@nyssenate.gov