

HB 432 Talking Points

ABOUT THIS BILL:

Last year Utah passed very important legislation to ban e-cigarette products that are enticing to youth, including flavors. It also limits how much nicotine can be in e-cigarette products. House Bill 432 repeals all of that. Specifically:

- “repeals the ban on flavored electronic cigarette products;
- repeals the nicotine content limit for electronic cigarette products;
- repeals the requirement that electronic cigarette products obtain premarket authorization from the federal Food and Drug Administration...
- amends criminal penalties regarding the illegal sale of tobacco and electronic cigarette products.”

This is bad for Utah youth. We need policies that limit how much of a dangerous chemical, like nicotine, can be added to e-cig products, and that protect youth from using dangerous products, rather than enticing and appealing to them.

Talking points you can use to educate policy makers about why we need to keep regulations on dangerous products

Why We Should Limit Flavored Products:

- Youth and young adults perceive flavored tobacco products as more appealing, better tasting, and less harmful than non-flavored tobacco products.¹
 - More than four out of five young adults ages 18 to 24 who have ever used tobacco reported that their first product was flavored.²
 - 85% of youth e-cigarette users use flavored products, with fruit, candy/desserts/other sweets, mint and menthol reported as the most popular flavors.³
- Utah’s definition of flavored electronic cigarette products exempts/does not apply to any flavored electronic cigarette granted premarket tobacco product application authorization by the FDA. This could result in flavored electronic cigarettes being sold in general tobacco retailers.⁴

¹ <https://truthinitiative.org/news/flavored-tobacco-use-among-youth-and-young-adults>

² Ibid.

³ <https://www.tobaccofreekids.org/what-we-do/industry-watch/e-cigarettes>

⁴ Utah Code 76-10-101(7)(c)(ii),
https://le.utah.gov/xcode/Title76/Chapter10/76-10-S101.html?v=C76-10-S101_2020051220200701.

- There is a rapidly growing variety of flavored tobacco products beyond cigarettes. Flavored tobacco products include (but are not limited to) liquids put into vaping devices, little cigars and cigarillos, and menthol cigarettes.⁵
- Mint/menthol flavored products can be particularly harmful due to their popularity and irritation reduction properties.
 - Prohibit the sale of menthol cigarettes, as menthol's "pharmacological actions reduce the harshness of smoke and the irritation from nicotine."⁶
 - Utah's convenience and grocery stores are allowed to sell mint and menthol flavored electronic cigarette products, which are the most popular flavor among youth electronic cigarette users.
 - When Juul, a popular e-cigarette manufacturer stopped selling fruit-flavored products, there was a large shift to mint/menthol by youth, causing mint/menthol to become the most popular Juul flavor.
 - *Tobacco Control* simulation model results "show that menthol cigarettes were responsible for 1.5 million new smokers, 157 000 smoking-related premature deaths, and 1.5 million life-years lost among African Americans between 1980 and 2018. While African Americans constitute 12% of the total US population."⁷
- Some states and localities have implemented comprehensive bans on flavored tobacco products. Following these bans, they have seen a decrease in the prevalence of flavored tobacco product use and an increase in tobacco use quit/reduction attempts.⁸
- As of September 2024, 8 other states have banned the sale of flavored e-cigarettes including California, Colorado, Connecticut, Delaware, Florida, New Jersey, New York, and Rhode Island.

Why We Should Limit Nicotine Concentration:

- Nicotine is a highly addictive substance.⁹
- An e-cigarette with a higher concentration of nicotine has a greater likelihood of being more addictive.¹⁰
- Many e-cigarettes have a higher addictive potential than cigarettes.¹¹

⁵ https://health.ucdavis.edu/cancer/support/pdf/FlavoredTobaccoProducts_UCDavisComprehensiveCancerCenter.pdf

⁶ TPSAC, FDA, "Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations, 2011.

⁷ Tobacco Control <https://tobaccocontrol.bmj.com/content/early/2021/09/16/tobaccocontrol-2021-056748>.

⁸ Truth Initiative

<https://truthinitiative.org/research-resources/emerging-tobacco-products/flavored-tobacco-use-among-youth-and-youth-adults>

⁹ Jankowski, M., Krzystanek, M., Zejda, J. E., Majek, P., Lubanski, J., Lawson, J. A., & Brozek, G. (2019). E-Cigarettes are More Addictive than Traditional Cigarettes-A Study in Highly Educated Young People. *International journal of environmental research and public health*, 16(13), 2279. <https://doi.org/10.3390/ijerph16132279>.

¹⁰ National Academies of Sciences, Engineering, and Medicine; Health and Medicine Division; Board on Population Health and Public Health Practice; Committee on the Review of the Health Effects of Electronic Nicotine Delivery Systems; Eaton DL, Kwan LY, Stratton K, editors. *Public Health Consequences of E-Cigarettes*. Washington (DC): National Academies Press (US); 2018 Jan 23.

¹¹ HHS. How tobacco smoke causes disease: What it means to you: A report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.

- Nicotine, whether vaped or smoked, is addictive. Nicotine primes the adolescent brain for addiction and causes long-term harm to brain development.^{12 13}
- Nicotine use can lead to experimentation with other substances.¹⁴
- Electronic cigarette products are particularly favored by youth. In fact, the number of Utah youth who use electronic cigarettes is larger than the number of Utah youth who use all other tobacco products (cigarettes, cigars, pouches, etc) combined.
- While Utah has implemented a nicotine concentration limit for e-cigarettes, there is no such limit for other tobacco and nicotine products.¹⁵
- According to the Surgeon General's recent report on Smoking and Health, reducing nicotine levels would prevent an estimated 33 million people from starting to smoke. It is estimated it would reduce adult smoking and save more than 8 million lives.¹⁶

Why We Should Require E-Cigarette products to have Premarket Authorization from the FDA:

- The FDA can assess the risks and benefits of a new e-cigarette product, considering factors like potential toxicity, nicotine levels, and likelihood of youth appeal, before allowing products to be sold.¹⁷
- By reviewing marketing strategies and flavor profiles, the FDA can identify and restrict features that might attract underage users.¹⁸
- Manufacturers must submit extensive data about their products including chemical composition, toxicology studies, and usage patterns, allowing the FDA to thoroughly review the potential health impacts.¹⁹
- The premarket authorization process provides a robust scientific foundation for making decisions about which e-cigarettes can be marketed, allowing for informed policymaking.

¹² <https://archives.drugabuse.gov/blog/post/smoking-how-it-primers-brain-addiction>.

¹³

<https://e-cigarettes.surgeongeneral.gov/knowtherisks.html#:~:text=Youth%20and%20young%20adults%20are,permanent%20lowering%20of%20impulse%20control>.

¹⁴

<https://e-cigarettes.surgeongeneral.gov/knowtherisks.html#:~:text=Youth%20and%20young%20adults%20are,permanent%20lowering%20of%20impulse%20control>.

¹⁵ Utah Code 76-10-101

https://le.utah.gov/xcode/Title76/Chapter10/76-10-S101.html?v=C76-10-S101_2024070120240501

¹⁶ <https://www.hhs.gov/sites/default/files/2024-sgr-tobacco-related-health-disparities-full-report.pdf>

¹⁷ [3/5/24 - A Closer Look at the 23 FDA Authorized E-Cigarettes](#).

¹⁸

<https://www.fda.gov/media/159412/download#:~:text=The%20premarket%20review%20of%20these,/3G6fM5u%20for%20more%20information>.)

<https://www.fda.gov/media/159412/download#:~:text=The%20premarket%20review%20of%20these,/3G6fM5u%20for%20more%20information>

²⁰ https://digitalmedia.hhs.gov/tobacco/print_materials/CTP-250?locale=en