To Whom It May Concern,

Health Resources in Action (HRiA), a national public health organization based in Boston, strongly supports the proposed amendment Licensing of Electronic Nicotine Delivery System Distributors and Dealers (216RICR5015-6) which promulgates regulations to prohibit the manufacture, distribution, sale or offer for sale of, or the possession with intent to manufacture, distribute, sell or offer for sale flavored electronic nicotine-delivery system products to consumers in Rhode Island.

HRiA has worked on tobacco prevention and control for decades. In Massachusetts, among several other tobacco-specific contracts, we manage the state’s youth tobacco prevention movement, The 84. In Rhode Island, we provide support to the Rhode Island Tobacco Control Program through the Community Education and Coordination and Tobacco-Free Living contracts. In this capacity, we are very concerned about dramatic increases in use of and addiction to nicotine through easy access to flavored tobacco products. We know that:

- **Tobacco is the #1 cause of preventable death and disease in the US, killing more people than gun violence, car accidents, heroin, and alcohol combined.**
- **Smoking tobacco is linked to a 10-year lower life expectancy.**
- **There has been a rapid increase in the prevalence of vaping among young people.** Last year in Rhode Island, 48.9% of high school students tried an e-cigarette and more than 30% of youth identified as a current user (Youth Risk Behavior Survey, 2019).
- **Over 80% of youth who have ever used tobacco products start with a flavored product.** Fruit, candy, and mint/menthol are among the most common flavors of vape products.
- **More than half of youth smokers use menthol cigarettes.** The FDA’s own scientific analysis concluded that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction, and decreased success in quitting smoking.
- **Nearly 90% of black smokers use mentholated products (compared to 29% of white smokers).**

We are very concerned that in Rhode Island, young people can easily access products like Juul that come in sweet flavors that appeal to them including mint, mango, fruit, crème and cucumber. Ninety-seven percent of youth e-cigarette users have used a flavored e-cigarette in the past month. Researchers have identified more than 15,000 unique e-cigarette flavors available online and with their colorful packaging and sweet flavors, these products are often hard to distinguish from candy products in the retail setting.
Furthermore, we are very concerned about continued access to menthol, mint, and wintergreen combustible and vaping products. We recognize menthol marketing as a racial justice issue. For decades, the tobacco industry has targeted Black communities with predatory marketing of mentholated products. Among youth, prevalence of menthol use is highest among African-Americans: seven out of ten African-American youth smokers smoke menthol cigarettes. Deliberate marketing strategies continue today with heavy advertising and lower menthol cigarette prices in Boston’s communities of color as compared to surrounding, predominately white, cities and towns. The vaping industry is following a similar playbook.

After intense tobacco industry lobbying, menthol and mint flavored cigarettes were exempt from the 2009 Family Smoking Prevention and Control Act which prohibited the sale of flavored cigarettes. By exempting menthol as a flavor, the law may have increased inequities among people of color, who are most targeted by menthol marketing, increasing risk of addiction and smoking related illness. These same communities also face some of the greatest barriers to accessing health care and nicotine replacement therapy. While the tobacco industry tries to convince lawmakers otherwise, the truth is clear: Menthol, mint, and wintergreen are flavors!

We urge you to follow the lead of neighboring Massachusetts and pass these proposed regulations to help prevent the next generation of young people from a lifetime of addiction to nicotine and, importantly, to not repeat past mistakes by exempting mint, menthol, and wintergreen from the legislation.

Thank you for your work in helping to protect the health of Rhode Island youth and all Rhode Islanders.

Sincerely,

Steven Ridini, Ed.D.
President and CEO
Health Resources in Action

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4. https://www.tobaccofreekids.org/microsites/flavortrap/#findings

FDA, Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes, 2013

Ibid.