

November 16, 2015

Members of the Saint Paul City Council,

Good Afternoon,

I am writing on behalf of Minnesota Vapers Advocacy, an all-volunteer consumer group advocating on behalf of Minnesotans who have chosen a less harmful alternative to combustible tobacco.

In many locations within the state, ClearWay and other organizations have encouraged municipal government to send a strong message that smoking is preferred to less harmful vapor products. Now, the City Council appears poised to continue efforts to assist the tobacco industry in protecting sales by levying a ban on the sale of the very products driving sales of combustible cigarettes to record low levels.

While MNVA has no position on the portions of the proposed ordinance amendment as it relates to flavored **combustible tobacco** products or “little cigars”, we would strongly urge the Council to revisit the language in the proposed amendment related to vapor products and create an exception for vapor products. Vapor products offer a strong benefit to public health in seeing current smokers explore less harmful alternatives if they are not able to quit smoking using conventional methods. Flavored vapor products assist current smokers in their transition to less harmful alternatives by creating a dissociative effect. In other words, separating the nicotine from the tar, smoke and over 4,000 chemicals found in combustible cigarettes. A recent study (attached) of current adult vapers found that over 70% of them use flavors other than tobacco. St. Paul’s proposal, which appears to enjoy strong overwhelming among the city council, makes no effort to protect youth from the harm of combustible tobacco, and in fact, seeks only to restrict access to these products for adults.

If the current language is adopted, St. Paul would effectively ban all vapor products **except** those made by companies like RJ Reynolds, Altria and Lorillard open to the public. For many current smokers, their first exposure to these products occurs in the locations they currently visit to purchase cigarettes. If these products become suddenly unavailable to adult smokers, the chances that they will initiate an attempt to reduce their cigarette intake is likely to fall, and they may believe that such products have simply been banned outright.

Under the current proposal, vapor products would be available in only a handful of locations throughout the entire city, while combustible tobacco products will remain available in hundreds of licensed tobacco retailers.

While we understand the City’s desire to further reduce the possibility of sales to minors occurring, Minnesota law has prohibited the sale of these products to minors since May 2010. It would be an understatement to say we are stunned at the Council’s bizarre approach of taking no action to reduce the use of cigarettes while dramatically reducing the availability of less harmful products. In passing this amendment “as is”, St. Paul simply encourages smokers to continue their habit, while enacting “feel good” legislation with no real-world impact on smoking.

We have included several studies supporting that flavored products are primarily appealing to adults as well as current and former smokers. In fact, recently released CDC data indicates that

just 2.4% of adults have ever used e-cigarettes, and only 0.4% are considered current users. ClearWay and others will point to the Minnesota Youth Tobacco Survey as a data point, disregarding the fact that their own research (included for your review) indicates that the survey questions are “**of questionable utility**” in determining prevalence of use.

Additionally, we note that several (~22) submissions from individual Minnesotans have been lumped into a single entry in the city docket for this ordinance. We request that the city provide equivalent treatment to the several agencies who have submitted letters of support with identical text in the interests of fairness. At present, it appears that the City of St. Paul is granting significant preference to well-funded lobbying groups such as the Campaign for Tobacco Free Kids, Americans for Nonsmokers Rights and others.

We urge you in the strongest possible terms to exempt vapor products from the proposal to ban the sale of all flavored products in St. Paul. I am available at your convenience should you wish additional information or clarification.

Thank you for your consideration.

Sincerely,

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