



**Statement for the Record**  
**American College of Physicians**  
**Hearing before the U.S. Senate Committee on Health, Education, Labor and Pensions**  
**On**  
**Examining the Response to Lung Illnesses and Rising Youth Electronic Cigarette Use**  
**November 13, 2019**

The American College of Physicians (ACP) is pleased to submit this statement and appreciates that Chairman Alexander and Ranking Member Murray convened this hearing. Thank you for your shared commitment to ensuring that the federal government responds adequately to the growing utilization of electronic cigarettes (e-cigarettes) by our nation’s youth. This hearing is especially important in light of the [explosion](#) in the frequent use of e-cigarettes and other electronic nicotine delivery systems (ENDS)—often flavored—by youth at the middle school and high school level. We wish to assist in the HELP Committee’s efforts in this area by offering our input and suggestions about ways that Congress and federal health departments and agencies can intervene through evidence-based policies to lower e-cigarette usage among young people.

ACP is the largest medical specialty organization and the second-largest physician group in the United States. ACP members include 159,000 internal medicine physicians (internists), related subspecialists, and medical students. Internal medicine physicians are specialists who apply scientific knowledge and clinical expertise to the diagnosis, treatment, and compassionate care of adults across the spectrum from health to complex illness.

ACP has long advocated for efforts to reduce tobacco use in the United States. **The College strongly supports federal regulation of all tobacco products—including ENDS—and has developed numerous policy statements calling for comprehensive tobacco control efforts to prevent smoking and tobacco product use among young people and adults.** ACP supports efforts to facilitate access to effective smoking cessation aids and advocates for a comprehensive antismoking legislative agenda. In 2010, the College released the policy paper [Tobacco Control and Prevention](#). The paper included specific recommendations that state and federal governments work together to implement comprehensive tobacco use prevention and control efforts, that youth tobacco use education and prevention campaigns be initiated, that flavorings—including menthol—be banned in all tobacco products, and that ENDS, (including e-cigarettes) be regulated by the Food and Drug Administration (FDA). In response to growing concerns about the unregulated ENDS market, ACP made further recommendations in the policy paper [Electronic Nicotine Delivery Systems](#) that included the taxing of ENDS devices and nicotine liquids and extending legislative and regulatory efforts to restrict the marketing of ENDS products, as is currently the case for combustible cigarettes.

ACP recommends that the FDA regulate e-cigarettes based on the evidence that ENDS products contained harmful toxins, that the quality control of the actual ENDS devices was limited at best, and most alarmingly, that youth access and marketing were unrestricted in many jurisdictions. ACP is hopeful that in the coming days that the administration will issue strong regulations to remove flavored ENDS products, including mint and menthol, from the market to ensure public safety and to help prevent ENDS product usage among young people.

#### **Prohibiting Flavoring in Tobacco Products:**

Tobacco use usually begins in adolescence, and tobacco companies have targeted this vulnerable and impressionable age group by offering flavored products that appeal to young palates. **Therefore, [ACP strongly recommends](#) that characterizing flavors—including mint and menthol—should be banned from all tobacco products, including ENDS.** Tobacco companies have offered flavored products to attract young users, including menthol, which masks the harsh taste of tobacco. Youths and young people often initiate use of ENDS because of flavors. According to the United States Surgeon General’s 2016 report, “[f]lavored e-cigarette use among young adult current users (18–24 years of age) exceeds that of older adult current users (25 years of age and older). Moreover, among youth who have ever tried an e-cigarette, a majority used a flavored product the first time they tried an e-cigarette”. According to one [systematic review of the literature](#), “Adolescents could consider flavor the most important factor in their decision to try e-cigarettes and were more likely to initiate vaping through flavored e-cigarettes (especially fruit and sweet ones for nonsmokers)”. Nearly 42% of middle and high school students cite availability of “good flavors” as [a reason](#) for trying ENDS for the first time.

#### **Raising the Legal Age to Purchase All Tobacco Products:**

ACP policy supports raising the legal age to purchase tobacco products, especially in light of the large increase of youth using e-cigarettes. **ACP strongly supports legislation, the Tobacco-Free Youth Act, S. 1541, to raise the legal age to purchase tobacco products, including electronic cigarettes, from 18 to 21.** According to the [CDC](#), tobacco product use is established primarily during adolescence and nearly 9 out of 10 smokers first try cigarette smoking by age 18. The use of ENDS are growing in popularity among young people as nearly 1 out of every 20 middle school students and 1 out of every 5 high school students reported that they used electronic cigarettes in the past 30 days. Current e-cigarette use among high school students increased by [78 percent](#) from 2017 to 2018.

#### **Restrict Marketing for ENDS products:**

ACP strongly supports legislative or regulatory efforts to restrict promotion, advertising, and marketing for ENDS products in the same manner as for combustible cigarettes, including a prohibition on television advertising. Youth tobacco prevention efforts, such as antismoking media campaigns and school-based interventions, should include information about the potential risks for ENDS use. ENDS products can be advertised in print and on television, and companies may sponsor entertainment and sporting events that attract young people. In addition, some ENDS companies have been using social media to promote their products and target the youth market. [For example](#), JUUL has heavily used social media platforms such as Twitter, Instagram, and YouTube to market its products while reducing its marketing expenditures in other areas. Yet JUUL has become the largest e-cigarette brand in the United States and is especially popular among youth, with eight percent of youth and young adults in the country having used JUUL in the past 30 days in 2017. ACP strongly supports prohibitions on

tobacco advertising and marketing, especially when directed toward young people. A major concern among public health advocates is that the popularity of ENDS may reverse the progress made to stigmatize smoking and reduce its appeal among young people. The College is concerned that tobacco product advertising results in increased awareness of ENDS products, creates a misconception that ENDS are safe, and may give people an unsubstantiated view that ENDS are a clinically accepted means of smoking cessation. Most concerning, ENDS advertising, promotion, and marketing may encourage young people to start using such products, potentially leading to a lifetime of nicotine addiction or use of other tobacco products, such as combustible cigarettes.

**Extending clean air laws to ENDS products:**

ACP recommends that federal, state, and local regulators should take action to extend indoor and public place clean air laws that prohibit smoking in public places, places of employment, commercial aircraft, and other areas to ENDS products. While ENDS aerosol exposes bystanders to nicotine and other toxins at much lower levels than those in combustible tobacco smoke, it still does expose people to these harmful toxins at a higher level than in the air. In addition, the long-term consequences are not yet fully known. **The College therefore recommends that indoor air laws be clarified to include ENDS to maintain clean-air environments for the public.**

**Funding for CDC tobacco use prevention, outreach, and education:**

ACP strongly supports efforts by Office of Smoking and Health (OSH) within the Centers for Disease Control and Prevention (CDC) to reduce initiation of tobacco product use, decrease the harms of tobacco products, and encourage cessation among tobacco product users, especially to prevent smoking and tobacco product use among young people. **Accordingly, ACP strongly supports increased OSH funding to reduce tobacco use among youth.** With e-cigarette usage increasing rapidly among youth, OSH and the CDC need to respond to the e-cigarette crisis with more resources to: provide grants to state and local health departments to educate youth, parents, and health care clinicians; expand media outreach about the harm of tobacco products; bolster efforts to help groups, regions, and populations that experience higher rates of tobacco use and tobacco-related diseases and deaths. ACP [supports](#) at least \$310 million for OSH activities in Fiscal Year 2020.

**Other legislation:**

ACP also [supports](#) the Reversing the Youth Tobacco Epidemic Act of 2019, H.R. 2339, which would comprehensively address reducing youth tobacco use. The bill would establish in law many of the policy recommendations made above, including the prohibition of flavored tobacco products, raising the sale of tobacco products to age 21, expanding the current FDA marketing restrictions that apply to cigarettes and smokeless tobacco products to all tobacco products, including e-cigarettes and cigars, as well as prohibit the online sales of tobacco products. ACP encourages Senators to introduce similar legislation, especially if the administration's rule for e-cigarettes does not address all of the policy recommendations discussed above.

**Conclusion:**

ACP sincerely applauds Chairman Alexander and Ranking Member Murray for holding this hearing about the public-health threat of e-cigarette use among young people and appreciates the shared bipartisan commitment to help the federal government appropriately respond. We appreciate the

HELP Committee's inviting input from the health-care community, and our hope is that the policy recommendations we shared will provide the Committee with a clinician perspective. We stand ready to continue to serve as a resource and welcome the opportunity to continue to work with you in developing policy on ENDS and tobacco-related issues during the 116th Congress. Please contact Jared Frost, Senior Associate, Legislative Affairs, by phone at (202) 261-4526 or via email at [jfrost@acponline.org](mailto:jfrost@acponline.org) with any further questions or if you need additional information. Thank you.