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July 14, 2015

The Honorable Jason Lewis
Senate Chair, Joint Committee on Public Health
State House, Room 511B
Boston, MA 02133

The Honorable Kate Hogan
House Chair, Joint Committee on Public Health
State House, Room 130
Boston, MA 02133

Re: Electronic Smoking Device Legislation

Dear Chairman Lewis and Chairwoman Hogan:

I write to express support for several bills currently pending before your Committee that would establish statewide regulation on the sale and use of electronic cigarettes. As you are aware, earlier this year, the Attorney General's Office proposed regulations that would, for the first time, impose statewide standards on the sale of electronic cigarettes. *See* draft 940 CMR 21.00, *et seq.* (attached). Public health advocates, industry groups, and consumers all showed great interest in our regulatory proposals, and we anticipate filing final regulations with the Secretary of State in the coming weeks.

Promulgated pursuant to our authority under G.L. c. 93A, § 2(c), our regulations will impose a statewide minimum purchase age for electronic smoking devices, extend certain retail sale restrictions that currently only apply to traditional cigarettes and smokeless tobacco to electronic smoking devices, and require that these products be sold in child-resistant packaging. But our regulations can only go so far, and we believe that a joint effort that thoughtfully blends statutory and regulatory changes will best address the risks presented by electronic smoking devices. For that reason, we strongly support the following bills.

H.B. 2050/S.B. 1119 – *An Act Modernizing Tobacco Control and Protecting the Health of Minors*, and H.B. 3466, *An Act Prohibiting the Sale of Electronic Cigarettes to Persons Under the Age of 18*. Filed by Representative Sánchez and Chairman Lewis, H.B. 2050/S.B. 1119 proposes several changes to existing tobacco laws that we believe are critical to protecting the public – and youth in particular – from the risks presented by electronic smoking devices. Specifically, this bill contains a provision, mirrored in our regulations, establishing a statewide

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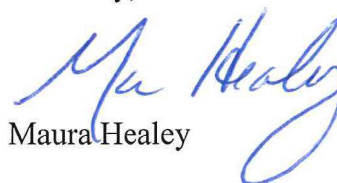
minimum purchase age of 18, and would extend bans prohibiting the use of cigarettes on school property and in workplaces to electronic smoking devices. These latter provisions will help prevent the normalization of smoking behavior through the use of electronic smoking devices. Moreover, these restrictions will protect users and non-users alike from the health risks of continued exposure to vapors from electronic smoking devices, which are currently unknown. We also support the goals of H.B. 3466, filed by Representative Campanale, which, like H.B. 2050/S.B. 1119, would establish a minimum purchase age of 18 for electronic smoking devices.

H.B. 1975/S.B. 732, *An Act Requiring Child-resistant Packaging of Nicotine Liquid Containers.* This bill, filed by Representative Hecht and Senator Chandler, would require that nicotine liquids and gels (the active ingredient in electronic smoking devices), or any products containing such substances, be sold in child-resistant packaging. Nicotine liquids and gels are intended to be vaporized and inhaled by the user. However, when directly consumed, especially by a small child, the high concentration of nicotine in a container or vial of liquid or gel can cause serious injury or even death. Accordingly, this bill will minimize instances of accidental consumption of nicotine liquids and gels. By importing a federal packaging standard, rather than establishing a Massachusetts-specific standard, this legislation will provide consistency for manufacturers. The requirement proposed in this legislation is similar to a child-resistant packaging standard proposed in our regulations, which similarly imports the federal regulatory standard. We are available to work with you as you advance this legislation, to ensure consistency between the statute and regulations.

H.B. 3469, *An Act to Promote Disclosure of Toxins in E-cigarettes.* Finally, we urge you to issue a favorable report on H.B. 3469, filed by Representative Hecht, which would require manufacturers of electronic smoking devices to annually disclose to the Department of Public Health (DPH) the concentration of toxins contained in their products. We are only beginning to understand the health impacts of these products, which are new entrants to the market. Consumers have a right to know what they are ingesting, so that they can make informed decisions. This provision closely tracks G.L. c. 94, § 307B, which requires that manufacturers of cigarettes, snuff and chewing tobacco disclose to DPH any product additives.

Thank you for your attention to these important issues. If you have any questions, please do not hesitate to contact Benjamin Meshoulam, Senior Policy Advisor, at (617) 963-2601.

Sincerely,



Maura Healey

cc: The Honorable Harriette Chandler
The Honorable Kate Campanale
The Honorable Jonathan Hecht
The Honorable Jeffrey Sánchez