

Neutral Testimony – HB 2450  
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Chairman Patton and members of the Committee:

The American Cancer Society Cancer Action Network (ACS CAN), the nonprofit, non-partisan advocacy affiliate of the American Cancer Society advocates for public policies that reduce death and suffering from cancer. ACS CAN appreciates the opportunity to comment on HB 2450, a bill that would prohibit the use of some electronic cigarettes everywhere that smoking is prohibited under the state smoke-free law. ACS CAN supports everyone’s right to breathe clean smoke-free air.

ACS CAN advocates for comprehensive smoke-free workplace laws to protect workers and the public from the harmful effects of secondhand smoke exposure and to create communities that support tobacco-free living. Prohibiting the use of electronic cigarettes, including supposed non-nicotine e-cigarettes in all workplaces where smoking is prohibited will:

- Protect against secondhand exposure to nicotine and other potentially harmful chemicals
- Ensure the enforcement of existing smoke-free laws are not compromised
- Ensure that the public health benefits of a smoke-free laws are not undermined

Since the introduction of e-cigarettes to the U.S. market almost a decade ago, the marketing and use of these products have increased. A study from the Centers for Disease Control and Prevention (CDC) found that e-cigarette use increased 78 percent in high school students. Among middle school students, e-cigarette use increased 48 percent. That translates to more than three million youth who have tried e-cigarettes.

Unlike a vapor, an aerosol contains fine particles of liquid, solid, or both. One study found up to 31 ingredients in the aerosol, including nicotine, acetaldehyde, and diacetyl, a chemical linked to serious lung disease. Studies have found the aerosol to contain ultrafine particles that can be inhaled deeply into the lungs, heavy metals, and volatile organic compounds, among other potentially harmful chemicals.

According to a report from the Surgeon General, “E-cigarette aerosol is not harmless. It can contain harmful and potentially harmful constituents, including nicotine.” Studies have shown that the use of

e-cigarettes can cause short-term lung changes and irritations. According to the Centers for Disease Control and Prevention, e-cigarette aerosol can contain harmful and potentially harmful substances including: nicotine; ultrafine particles; flavoring such as diacetyl, a chemical linked to a serious lung disease; cancer-causing chemicals; volatile organic compounds; and heavy metals such as nickel, tin, and lead. E-cigarettes also pose a potential risk to nonusers through secondhand exposure to toxicants in the aerosol. Secondhand exposure occurs when the user exhales the aerosol exposing nonusers.

Smoke-free laws protect workers and patrons from exposure to secondhand smoke and reduce the acceptability of smoking which, in turn, reduce the number of people, especially youth, who start smoking and increases quit attempts by smokers. For the proposed change to the Kansas Clean Indoor Air Act to have the most optimal impact, it is critical that definitions used are comprehensive in nature. ACS CAN recommends changing the definitions proposed in HB 2450 to encompass a broader set of products and truly protect Kansans.

We recommend the following definitions be used in the proposed legislation:

1. ***“Electronic Smoking Device”*** means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
2. ***“Smoking”*** means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. *“Smoking”* includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form.

While ACS CAN certainly supports adding e-cigarettes to the smoke-free law, we recommend expanding the definitions as recommended above to expand our smoke-free law to include e-cigarettes and fully protect the rights of all workers and the public to breathe clean smoke-free air. In addition, we hope that in the future, lawmakers will consider closing the loophole that allows patrons and workers in gaming facilities to be exposed to high levels of secondhand smoke and electronic cigarette aerosol.