



November 20, 2019

NTU Urges Massachusetts Senate to Reject Vapor Tax & Ban Proposal

Dear Member of the Massachusetts Legislature,

On behalf of National Taxpayers Union (NTU), I write to express our strong opposition to legislation H.4196. The Massachusetts Senate is expected to vote on the most severe ban on flavored vape products, to include menthol cigarettes. The bill, if passed, would apply to all flavored tobacco products, from vape e-liquids to cigars and chewing tobacco.

This hasty legislation would also increase the wholesale excise tax and impose a significant tax on products that help traditional tobacco users transition to a safer alternative. If lawmakers in Massachusetts approve this legislation, they will be doing a disservice to public health, inflict harm on small businesses, create a black market for unregulated use and distribution, and will require consumers to pay more for safer alternatives. We urge you to stand with taxpayers and reject government overreach and tax increases.

As you may be aware, vapor products contain no tobacco; they contain nicotine without the harmful chemicals found in traditional tobacco products. Therefore, it is highly concerning that this legislation would apply a new 75 percent tax on electronic nicotine delivery systems, limiting accessibility for the lower and middle class who wish to use alternative products.

It is rather clear that vapor products are an innovative solution for smokers transitioning toward significantly less harmful alternatives. For years, government officials have taken steps to reduce the prevalence of tobacco usage, and the free market has produced a solution to address this serious problem. By eliminating a retailer's ability to sell flavored products you are effectively eliminating the state's role in functioning as a gatekeeper for preventing youth access. The demand for these products will remain, and a result of this misguided legislation will be the creation of unregulated and untaxed black markets. Support for policies that decrease access to safer alternatives, as the bill proposes to do, will simply derail efforts to reduce dependency on tobacco.

Consequently, if this bill is approved by the legislature and signed by Governor Baker, it will have a negative impact on the residents of Massachusetts, significantly impacting millions of adults who rely on the availability of vapor products to quit smoking cigarettes and improve their overall health. The Senate should reject this legislation because it will result in fewer consumers choosing to use lower risk alternatives to cigarettes.

National Taxpayers Union strongly believes this proposal will harm Massachusetts consumers far more than it would help them. Accordingly, we encourage you to keep these concerns in mind as you work towards a more fiscally responsible future for Massachusetts taxpayers and consumers.

Sincerely,

Jessica Ward
Director of State Affairs