

# Issue Brief

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## State Vaping Bans Would Harm Public Health and Result in More Smokers

State vaping bans are an example of government overreach that will be a disservice to public health. Vape bans remove innovative solutions for smoking cessation and push individuals toward higher-risk alternatives in an unregulated black market. Lawmakers should carefully consider the unintended consequences these bans will have on public health as well as their potential to inflict harm on small businesses and individual consumers who will invariably pay more for safer alternatives to smoking, be exposed to greater harm from black-market products or worse yet, driven back to smoking cigarettes.

The recent national outbreak of e-cigarette, or vaping, product use-associated lung injury (EVALI) has led to 2,668 hospitalizations in the United States and has claimed the lives of 60 individuals. The tragedy of these unfortunate deaths has led the federal government to ban certain vaping products, which has in turn led to a flurry of state legislative bans. These policy decisions were hastily made without fully understanding what is currently known about the outbreak.

### Key Facts:



**Both the federal government and state lawmakers are considering vaping bans based on panic, not science.**



**These bans would leave smokers out in the cold by limiting access to the most effective smoking cessation option - e-cigarettes - and by forcing those who vape onto unregulated black markets.**



**Vaping has been shown to be the most effective tool to quit smoking and a healthier alternative to smoking, and lawmakers should carefully consider their options.**

Specifically, the Food and Drug Administration (FDA) issued a guideline banning the sale of many flavored vaping products, with the exception of menthol and tobacco flavors. This has spurred state legislatures into action to enact similar state-wide bans – some of which go even further than the federal ban. Virginia, Vermont, Maryland, New York and New Jersey are just a few examples where legislation is being introduced or being considered.

In their attempts to curb a national outbreak, policies by federal and state governments may spur a further increase in the number of the kinds of adverse reactions they are hoping to prevent. CDC data regarding the outbreak provides revealing information that should inform and guide the policy driven by lawmakers. According to the [CDC](#), “national and state data from patient reports and product sample testing suggest tetrahydrocannabinol (THC)-containing e-cigarette, or vaping products, particularly from informal sources like friends, family, or in-person or online dealers are linked to most EVALI cases and play a major role in the outbreak.”

Much controversy has surrounded the use of vaping products, but they are a well-documented solution for smokers transitioning away from their harmful alternative – the cigarette. A landmark 2019 [New England Journal of Medicine study](#) documents that smoking cessation is two times more likely to occur in those who used e-cigarettes as compared to individuals using other nicotine replacement products. Banning these innovative alternatives will either increase the likelihood that individuals will return to smoking cigarettes or force them to purchase the very unregulated products the CDC has determined to play a role in the recent national outbreak.

History is replete with examples of negative outcomes that arise from government prohibitions. Alcohol prohibition pushed individuals into the black market and exposed them to toxic levels of boot-legged alcohol. Similarly, today's vaping bans are likely to expose individuals to dangerous counterfeit products and pose an undue public health risk. If we have learned one thing from history it is that government bans will never decrease demand for the prohibited product but rather will shift demand to more harmful alternatives. Surely, this is an outcome lawmakers should work to prevent.

Innovative, market-driven solutions to helping people quit smoking have led to fewer Americans smoking and more quitting than ever before. These alternative products are not completely risk free, but they reduce the harm incurred by traditional cigarettes. Blanket bans have the potential to upend the recent gains made over the past few years and push those addicted to nicotine back to smoking cigarettes or toward dangerous black-market products.

Market competition and innovation will be better protectors of public health than government mandates that shut down alternatives to traditional cigarettes. Providing consumers with safe choices and increasing public awareness of the dangers associated with the risks of various products will lead to more effective results than legislative bans. Lawmakers should avoid policies that will affect millions of adults who rely on the availability of these products as a way to improve their overall health. Instead, they should embrace any and all alternatives that reduce dependency on tobacco.

## **About the Author**

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