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National Taxpayers Union urges all Representatives to vote “NO” on H.R. 2339, the “Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act” of 2020. This disastrous legislation would significantly raise taxes and limit the ability for cigarette smokers to transition to less harmful vapor and e-cigarette products.

As written, H.R. 2339 contains one of the largest tax increases considered by the 116th Congress to date. This legislation would levy a new excise tax on nicotine contained in vaping products to match the rate of the federal cigarette excise tax and could raise nearly \$10 billion, according to CBO. It’s a significant tax hike that will severely harm consumers and small business owners. While there is likely to be harm to the economic health of the country, there would also be damage to the health of adults transitioning away from deadly cigarettes. According to a study published by the National Bureau of Economic Research, taxing vapor products at the same rate as traditional cigarettes would deter approximately 2.75 million Americans from kicking their habit. In other words, tax policy alone could make it less likely that millions of Americans make choices that would improve their health.

It is particularly concerning that this legislation prohibits all flavors of tobacco products, including menthol. In their attempts to quit, adult tobacco smokers typically start with tobacco-flavored e-liquid, but research indicates many end up switching to other flavors that this legislation would prohibit. Cracking down on legal-age buyers of flavored e-cigarettes will limit access to less harmful alternatives that could potentially save hundreds of thousands of lives each year. Blanket prohibitions are seldom successful and often lead consumers to untaxed and unregulated black markets to access products.

These devastating provisions completely disregard the benefits vapor products have as an important cigarette cessation tool. Vapor products still allow users to consume nicotine, but avoid the traditional combustion of cigarettes, which contain toxins and other dangerous chemicals. Some government studies have found that e-cigarettes are 95 percent safer than traditional tobacco products and can be as much as twice as effective as gum or patches to help users quit. Smoking is a high-risk activity and providing smokers with a way to consume nicotine in a safer way is a large public health benefit, increasing life expectancy and reducing mortality.

Roll call votes on H.R. 2339 will be heavily-weighted in NTU’s annual Rating of Congress and a “NO” vote will be considered the pro-taxpayer position.

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