



Testimony of Sara Prem  
Director, Advocacy – Kansas, American Lung Association  
**RE: HB 2801: Opposition Testimony, Written only**

The American Lung Association has concerns about HB 2801, which would establish a nicotine vapor product “registry” that is tied to the U.S. Food and Drug Administration’s Premarket Tobacco Product Application (PMTA) process.

While we appreciate the intent of legislators to address the youth e-cigarette epidemic, **this bill will not reduce youth use of e-cigarette and nicotine products.** Indeed, “registry” bills are currently being pushed in many states by the major tobacco companies to cut out their competitors and increase their market shares while distracting legislators from enacting policies with proven public health benefits, such as higher tobacco taxes, licensing of nicotine and tobacco retailers, and restricting flavored tobacco products. Passing proven policies to reduce tobacco use is critical in Kansas. The American Lung Association’s recent “State of Tobacco” report gave Kansas mostly failing grades on efforts to prevent and reduce tobacco use, which is the leading cause of preventable death in our state. Furthermore:

- “Registry” bills are unnecessary and a waste of state resources; FDA already has a list of authorized e-cigarette products on its website.
- The registry can never be accurate, as FDA does not make public a list of companies that are going through the PMTA process (so knowing what products are going through the process and able to remain on the registry is impossible).
- There is a process in place for anyone, including tobacco and e-cigarette companies, to file complaints with the FDA about products that should not be on the market.
- Of the three states that have adopted registries – Alabama, Louisiana and Oklahoma – all are having to amend existing language for the confusion and cost these laws have caused. None of these registries are working as they were intended.
- Legislators may mistake these registries for tobacco retail licensing; they are not tobacco product licensing bills and do not contain proven provisions of a strong retailer licensing bill.
- Registry bills will have little to no public health benefit or impact and instead will cause confusion and waste scarce resources in Kansas.
- The PMTA process at FDA has been undeniably slow but remains the most reliable way to remove products from the market.

The need to protect youth from all tobacco products, including e-cigarettes and vapor products, is more important than ever. The American Lung Association **strongly urges this committee to oppose HB 2801.** We stand ready to work with you on proven tobacco control policies to achieve that goal.

Respectfully submitted,

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