



THE LEAGUE OF WOMEN VOTERS OF DELAWARE SUPPORTS Increasing the cigarette tax by \$1 and taxing E-cigarettes comparably

The League urges the General Assembly to raise the tax on cigarettes by \$1 a pack as PA did on Aug. 1, 2016.

Smoking is a serious public health issue. According to Dr. Karyl Rattay, director of the state Public Health Division: “I know a lot of people don’t want to talk about taxation, but in all actuality, it could be a very powerful public health tool because it does impact whether or not people are going to use cigarettes for example.”¹

We understand that most health-related groups are opposed to a tax of only 50 cents because it is not sufficient to affect smokers’ behavior, while a significant increase in the tax (\$1) will give smokers a real incentive to quit. Going across the border to New Jersey or PA won’t help them. As of April 1, 2017, New Jersey’s tax was \$2.70, 10th highest in the nation and Pennsylvania’s tax was \$2.60 a pack at 11th in the nation. Currently, Delaware is 25th in the nation at \$1.60.²

Raising cigarette taxes is a win-win for legislators, especially here in Delaware, now. Higher tobacco taxes save money by reducing tobacco-related health care costs, including Medicaid, one of our largest expense drivers. Also, national and state polls consistently have found overwhelming public support for tobacco tax increases. Polls also show that, when it comes to balancing budgets, voters prefer raising tobacco taxes to other tax increases *or* cutting crucial programs such as education and public safety.³

The League also urges the General Assembly to tax e-cigarettes at a rate comparable to regular cigarettes. E-cigarettes and other electronic nicotine delivery systems (ENDS) also present a huge public health risk, especially for young people who are often targeted with advertising and other promotions.

We strongly oppose language in the bill that tries to define e-cigarettes as medical products. In fact, as of August 8, 2016, the Federal Drug Administration (FDA) implemented its-called “Deeming Rule” to bring these types of products within FDA’s authority under the Tobacco Control Act of 2009. That law gave FDA authority to “deem” other tobacco products to fall under the Tobacco Control Act. The Final Deeming Rule extends that authority and all its regulatory requirements to: cigars, pipe tobacco, hookahs, dissolvable products, e-cigarettes, and other ENDS, as well as to any components or parts of those covered products.

FDA’s concern about such products is such that other compliance requirements for tobacco products and several provisions related to limiting youth access to covered products include:

- E-cigarette manufacturers and distributors will be prohibited from distributing free samples;
- E-cigarette manufacturers and distributors will be required to register their manufacturing establishments with FDA and list their products;
- Manufacturers will be required to submit ingredient lists to FDA and report harmful and potentially harmful constituents; and
- New warning label statements about tobacco-addictiveness will be required on packaging and in advertising.⁴

FDA concerns about the health impact of e-cigarettes go beyond nicotine to other potential toxic ingredients. **We urge the Committee to strengthen disincentives by increasing the proposed tax on e-cigarettes and all ENDS.**

¹ <http://www.delawareonline.com/story/news/health/2016/07/19/report-delawares-cancer-incidence-rate-remains-high-mortality-drops/87282188/>

² <https://www.tobaccofreekids.org/research/factsheets/pdf/0097.pdf>

³ http://www.tobaccofreekids.org/what_we_do/state_local/taxes/

⁴ <https://www.consumerproductmatters.com/2016/08/e-cigarette-products/>