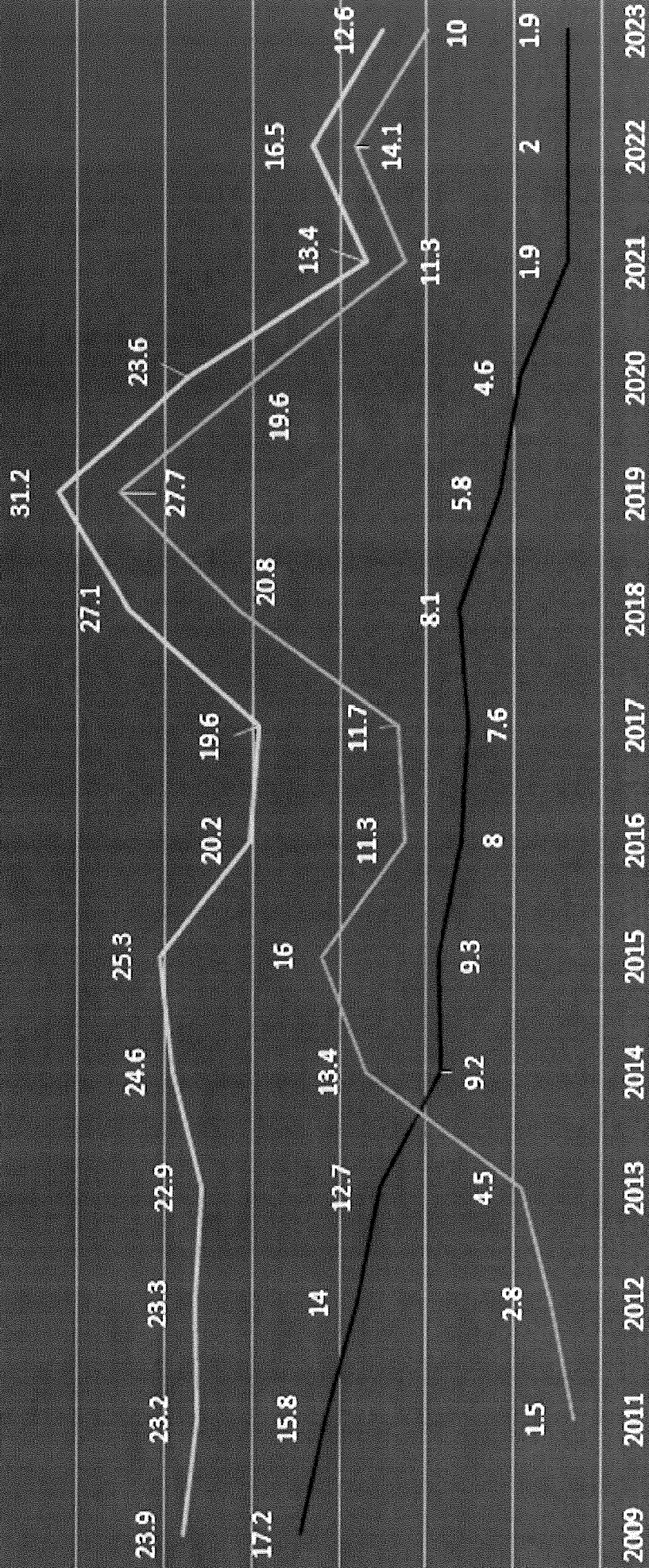




High School Trends 2009 - 2023

— Overall Tobacco Use — Cigarette Smoking — Vapor Product Use



The Proposed Vapor Product “Directory” Will Ban All Vape Products Since FDA’s “Approved” List¹ is Absurdly Small

E-Cigarettes Authorized by the FDA

As of Jan. 2024, these are the only e-cigarettes authorized to be sold in the U.S.



Manufacturer	Product Name
Logic Technology Development LLC	Logic Regular Cartridge/Capsule Package
	Logic Vapeleaf Cartridge/Capsule Package
	Logic Vapeleaf Tobacco Vapor System
	Logic Pro Tobacco e-Liquid Package
	Logic Pro Capsule Tank System (1)
	Logic Pro Capsule Tank System (2)
	Logic Power Tobacco e-Liquid Package
	Logic Power Rechargeable Kit
NJOY LLC	NJOY DAILY Rich Tobacco 4.5%
	NJOY DAILY EXTRA Rich Tobacco 6%
	NJOY ACE Device
	NJOY ACE POD Classic Tobacco 2.4%
	NJOY ACE POD Classic Tobacco 5%
	NJOY ACE POD Rich Tobacco 5%
R.J. Reynolds Vapor Company	Vuse Vibe Power Unit (1)
	Vuse Vibe Tank Original 3.0%
	Vuse Vibe Power Unit (2)
	Vuse Ciro Power Unit (1)
	Vuse Ciro Cartridge Original 1.5%
	Vuse Ciro Power Unit (2)
	Vuse Soto Power Unit
	Vuse Replacement Cartridge Original 4.8% G1
Vuse Replacement Cartridge Original 4.8% G2	

For the most up-to-date list of authorized e-cigarettes, visit the *Premarket Tobacco Product Marketing Granted Orders* webpage.

While these products are authorized to be sold in the U.S., it does not mean these products are safe nor are they “FDA approved.” All tobacco products are harmful and potentially addictive. Those who do not use tobacco products shouldn’t start.



Of these 23 products, only 8 are unique devices or e-cigarette brands.

Only the highlighted products are unique e-cigarette devices.

Per FDA only these 8 tobacco-flavored vapes are available to 30M smokers.

The remainder of the products listed are accessories, replacement pods or heat-not-burn products.

FDA says everything NOT on this list is illegal and may not be marketed or sold in the U.S.

This means that adopting the FDA “law” will impose a ban that will only kill state jobs, taxes, and small businesses.

Proponents who want to force state authorities to adopt, pay for and enforce FDA’s broken decision-making process, fail to inform that FDA’s formal position is that “it is illegal to sell or distribute tobacco products that the FDA has not authorized.” As noted above, only 8 unique devices can be legally sold in the U.S. Thus, the proposed bill is tantamount to a total ban on less harmful vaping products that consumers in this state are using to quit smoking and stay quit.

¹ FDA Authorized E-Cigarette Products (1/24), available at https://digitalmedia.hhs.gov/tobacco/print_materials/CTP-250?locale=en

Banning Flavored Nicotine Vaping Products Will Increase Smoking, Close Small Businesses, Eliminate Jobs and Millions of Dollars in State and Local Taxes



Kentucky is considering a flavored vaping ban through a vape product “directory” that will also ban virtually all vape products sold in the 130 retailers catering to adults who are trying to quit smoking cigarettes. FDA has only authorized 8 nicotine vaping products (tobacco flavor only) and has declared that only these 8 devices can be legally marketed and sold in the U.S. (See page 2) Adopting FDA’s broken system will hurt Kentucky.

The Kentucky vapor industry creates 2,204 jobs and about \$359.4 million in economic output and generates over \$95.5 million in state & local taxes. The proposed bill will lead to adverse public health and economic harms in Kentucky and will force small businesses to close.

Positive Economic Impact of the Vapor Industry in Kentucky (2023)

	Direct	Supplier	Induced	Total
Jobs	1,185	462	557	2,204
Wages	\$41,858,000	\$30,447,000	\$29,083,600	\$101,388,600
Economic Impact	\$155,097,100	\$107,382,400	\$96,934,000	\$359,413,500
State and Local Taxes				\$95,469,200

Banning the Sale of Flavored Vaping Products in Kentucky Will Shutter Small Businesses:

- Flavored vape products today are generally sold in adult-only stores. A ban on the sale of all flavored vaping products, including menthol, would devastate the independent small business sector by eliminating a large percentage of their overall sales.
- As very few businesses can withstand such a reduction in revenues, it is likely that most of the 130 vape shops in Kentucky would be forced out of business as a result of the proposed ban.

Negative Economic Impact of the Proposed Ban in Kentucky

	Jobs (lost)	Wages (lost)	Economic Output (lost)	State Tax Revenue (lost)
Current Total Estimates	2,204	\$101,388,600	\$359,413,500	\$95,469,200
Losses from Flavor Ban	(1,102)	(\$45,043,500)	(\$179,397,600)	(\$69,286,000)
% Change Following Ban	-50.0%	-44.4%	-49.9%	-72.6%

Lost Sales will Lead to Lost Jobs, Wages Taxes and Economic Activity:

- As a result of the proposed bill, 1,102 jobs in Kentucky’s vapor industry would disappear, which amounts to a 50.0% job loss.
- People working in vape shops, for e-liquid manufacturers, and for firms that supply these companies or serve their employees would lose almost \$45.0 million in wages and benefits, which amounts to a 44.4% wage and benefit loss.
- Overall, the economy of Kentucky would be \$179.4 million smaller, and Kentucky would lose \$69,286,000 in state and local tax revenues.

Banning Flavored Vaping Products Will Increase Smoking and Shift Remaining Vape Sales:

- *Increased Smoking:* Scientists at Yale have concluded that every state/local government which has eliminated less harmful flavored e-cigarettes has *increased* cigarette sales. 15 more cigarettes are sold for every 0.7 ML of e-liquid sold, and this result has applied equally to increased youth tobacco-flavored cigarette purchases.¹
- *Shift in Sales:* Adult consumers in Kentucky will seek their favored products elsewhere. A ban would not necessarily lead to less consumption of e-liquids in Kentucky, as a portion of lost sales would transfer to bordering states, the internet, or to the black market.

Kentucky should not engage in panic policy regarding products which *already* are illegal for sale to minors.

¹ Friedman, et al., E-cigarette Flavor Restrictions’ Effects on Tobacco Product Sales, 2023, at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4586701.