

HEIN LAW FIRM, CHARTERED

5845 SW 29th Street, Topeka, KS 66614-2462

Phone: (785) 273-1441

Fax: (785) 273-9243

Ronald R. Hein

Attorney-at-Law

Email: rhein@heinlaw.com

www.heinlaw.com

Testimony re: HR 6026
House Federal and State Affairs Committee
Presented by Ronald R. Hein
on behalf of
RAI Services Company
April 26, 2012

Mr. Chairman, Members of the Committee:

My name is Ron Hein, and I am legislative counsel for RAI Services Company.

On behalf of RAI Services Company, I had requested introduction of HR 6026 by this committee. HR 6026 is a resolution directing the Kansas Department of Health and Environment to research the science regarding tobacco harm reduction, and to report such information back to the 2013 Kansas Legislature. The resolution does not express any conclusions or determinations by the Kansas Legislature that the concept of tobacco harm reduction is or is not an appropriate methodology for addressing the health concerns of smoking. Instead, it is simply a resolution that requests the health agency of the State of Kansas to perform the appropriate analysis of the scientific data, and to provide that data back to the Kansas Legislature. In this way, the Kansas Legislature can have the appropriate evidence and facts necessary to decide whether tobacco harm reduction is an appropriate methodology for addressing health risks associated with smoking.

Tobacco harm reduction is the term used to address the health policy technique of moving smokers who, for whatever reason, refuse to quit smoking to choose alternative tobacco products which do not involve combustion as a means of reducing the health risks associated with smoking. My client would argue that there is significant reduction of healthcare risks from switching people from smoking to less risky alternatives such as smokeless tobacco products. We would not suggest that cessation of tobacco use is not still an appropriate health risk strategy for promoting healthcare in this state and this nation. However, for those smokers who have been unable to quit smoking, the question arises as to whether or not such individuals should be entitled to know that they could continue to utilize tobacco products, but can significantly reduce their healthcare risks by switching from smoking to other smokeless tobacco alternatives.

Again, we are not asking that the Kansas Legislature endorse or recognize the doctrine of tobacco harm reduction at this time. This resolution is simply to direct KDHE to review the scientific evidence regarding tobacco harm reduction, a
Legislature.

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I had an opportunity earlier this year to address the issue of tobacco harm reduction in my testimony regarding SB 462, providing for an increase in the tax on smokeless tobacco products in the State Senate. At that hearing, Chris Masoner, lobbyist for the American Cancer Society, acknowledged that there is less risk to consumers from smokeless tobacco products than from use of cigarettes. However, in his testimony, he used the example of comparing the difference in risk from use of other tobacco products, which he compared as going 100 miles per hour on a motorcycle versus the risk of smoking cigarettes, which he compared as going 150 miles per hour on a motorcycle. He said, "it is certainly safer, but that doesn't make it safe." I appreciate that the American Cancer Society acknowledges the major point of tobacco harm reduction, which is that use of smokeless tobacco products presents less risk to the public than smoking cigarettes, but I find the example utilized by Mr. Masoner to be trivializing the undisputed medical evidence of the reduced risk of use of smokeless tobacco products. The Royal College of Physicians, one of the oldest and most prestigious medical organizations in the world, has concluded that "as a way of using nicotine, the consumption of non-combustible tobacco is on the order of 10-1,000 times less hazardous than smoking, depending on the product."

You may hear opposition to this resolution from some health organizations which believe that the only alternative for smokers who have been unable to quit smoking is to cease the use of all tobacco products. This position denies the right of the individual to have access to health risk information that might cause a smoker to move to a less risky smokeless tobacco alternative. We believe that the individual smoker should be entitled to know that choosing a less risky smokeless tobacco alternative could be another option to complete cessation of all tobacco products.

We would remind the committee, however, that although certain organizations may challenge the issue of tobacco harm reduction, opposition to this resolution, is in essence opposition to the Legislature's right and privilege of receiving and being entitled to receive information from their own health agency regarding the scientific evidence regarding the relative risks of smokeless tobacco products vs. smoking of cigarettes. To oppose the Legislature's right to access this information by their own health agency is, in our opinion, disingenuous at best.

We urge this committee to approve HR 6026 so that KDHE can analyze and study this issue, and report their findings back to the 2013 Kansas Legislature.

Thank you very much for permitting me to testify, and I will be happy to yield to questions.

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