

***The Medical Society of the State of New York
Testimony Submitted by:
Arthur Fougner, MD
President
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***Before the New York State Senate
Standing Committees on
Consumer Protection, Health and Education
Senate Hearing Room
250 Broadway, 19th Floor, New York, NY 10007***

My name is Arthur Fougner, MD, President of the Medical Society of the State of New York. On behalf of MSSNY, I would like to thank the New York State Senate on holding this important hearing on the vaping and its health effects.

As you know, the CDC, the Food and Drug Administration (FDA), state and local health departments, and public health have been investigating the outbreak of lung injury that appears associated with the use of electronic cigarette (e-cigarette), or vaping, products. The CDC this past summer provided guidance for physicians and other health care providers on e-cigarette, or vaping, product use associated lung injury (EVALI) based on limited data that had been received from the reported cases. As of October 8, 2019 there were 1,299 cases of vaping related injury in 29 states.

The CDC recommends the following interim guidance for 1) initial clinical evaluation; 2) suggested criteria for hospital admission and treatment; 3) patient follow-up; 4) special considerations for groups at high risk; and 5) clinical and public health recommendations. Health care providers evaluating patients suspected to have EVALI should ask about the use of e-cigarette, or vaping, products in a nonjudgmental and thorough manner. Patients suspected to have EVALI should have a chest radiograph (CXR), and hospital admission is recommended for patients who have decreased blood oxygen (O₂) saturation (<95%) on room air or who are in respiratory distress. CDC recommends persons consider refraining from using e-cigarette, or vaping, products that contain nicotine. Irrespective of the ongoing investigation, e-cigarette, or vaping, products should never be used by youths, young adults, or women who are pregnant. Persons who do not currently use tobacco products should not start using e-cigarette, or vaping, products. (<https://www.cdc.gov/mmwr/volumes/68/wr/mm6841e3.htm>)

In New York State, there have been about 81 cases of EVALI. The New York State Department of Health has also said that it has received reports from New York State physicians of severe pulmonary (lung-related) illness among patients ranging from 14 to 71 years of age who were using at least one vape product prior to becoming ill and according to the department, Laboratory test results show very high levels of vitamin E acetate in nearly all cannabis-containing samples. These samples were analyzed by New York State's Wadsworth Laboratory as part of this investigation.

The Department of Health also recommends that physicians report all cases of suspected severe lung disease potentially associated with vape products to the Poison Control Centers (PCC) in New York State. Providers should determine the name(s) of recently used vape products and whether the actual product(s) used remain available for testing. Commissioner Howard Zucker, MD has also urged that New Yorkers stop using e-cigarette and vape products while the investigation into the definitive cause of reported vaping-associated illnesses nationwide can be better determined.

E-cigarettes use is up dramatically in all populations-- for youth, young adults, pregnant women, or adults who do not currently use tobacco products. We know what the health impact of tobacco products are thanks in part to years of research and clinical practice, however, we are unsure of the long term health impact of e-cigarettes, but we know now that they have helped to cause EVALI. The Medical Society of the State of New York supports Gov. Cuomo's emergency executive action to ban the sale of flavored e-cigarettes in the state (<http://www.mssnynews.org/press-releases/mssny-supports-call-to-ban-menthol-flavored-e-cigarettes/>). MSSNY also joined with other public health organizations in an Amicus Brief in support of these regulations.

The Medical Society of the State of New York has long supported legislation in both houses of the New York State Legislature to ban the sale of flavored e-cigarettes. MSSNY will continue to work with the Legislature to ensure passage of this legislation, which will take on even greater importance if the Governor's action is not upheld by the courts. Flavored vaping products like "cotton candy" and "Captain Crunch" are obviously targeted to entice teens to vape. The health of our children is at stake. It's time to address this head on before it affects an entire generation.

While evidence exists that adult smokers who completely substitute vaping for traditional smoking reduce their exposure to many of the toxic chemicals and carcinogens present in combustible tobacco cigarettes, e-cigarettes are not risk-free and are not approved by the Food and Drug Administration (FDA) as a quit-smoking aid. The bottom line is neither smoking nor vaping is safe, and people who do not smoke or vape should not begin to do so.

Moreover, the perception that e-cigarettes are “better for you” has led a huge rise in youth vaping. To this end, efforts must also begin to assist young people, 18 years and younger, who are addicted to nicotine. As you may know, the most current evidence based nicotine cessation treatment options are available only to those 18 years and older. Bupropion and nicotine replacement therapies—including nicotine patches, gum, and nasal spray—have been studied to a limited extent in the adolescent population for those who smoke cigarettes. Varenicline has not been evaluated as a treatment modality in adolescents. We know that counseling, behavioral interventions along with pharmacotherapy works for adults who smoke, but little research has been done for cessation of nicotine addiction for e-cigarettes—especially in young people. The Medical Society’s Addiction and Psychiatric Medicine Committee is in the process of a literature review, but this is an important topic that needs to be addressed by the state Legislature and the New York State Department of Health.

Additionally, intensive efforts must be contemplated to alert and educate parents and children of the harm that e-cigarette pose for them. MSSNY supports funding for a public health and education campaign on this matter.

Since many cases of EVALI are inextricably linked to the vaping of THC – black market though it may be, we again urge strong caution regarding proposals to legalize the recreational use of marijuana. The medical societies of the state of New York, Connecticut, and New Jersey have joined together and we continue to have serious concerns with proposals to legalize the purchase of recreational or so-called “adult use” marijuana given the public health challenges that have arisen in other states that have legalized the purchase of marijuana for non-medical purposes (<http://www.mssnyenews.org/press-releases/connecticut-new-jersey-and-new-york-medical-societies-commend-governors-efforts-to-address-cross-border-issues-relating-to-cannabis/>)

These concerns have grown in recent weeks given the significant number of cases of pulmonary illness relating to the use of vaping devices, which have included many instances where cannabis was being vaped. And, according to the NYS Department of Health we know that those individuals who has developed some of the cases of EVALI were patients who only vaped black market marijuana which had been laced with Vitamin E acetate. Since the FDA has launched an ongoing investigation, we would ask that any proposed adult-use cannabis program, especially with a vaporizer product, be put on hold until completion of that investigation.

We applaud the Legislature and Governor for taking important steps earlier this year in New York State to greatly reduce the threat of criminal sanction based upon possession of small amounts of marijuana, including expunging previous convictions for low-level possession offenses. We believe that similar “decriminalization” measures should be pursued in other states, and a review taken as to whether these laws are achieving their intended goals to greatly reduce and/or eliminate criminal arrests for mere possession of small amounts of marijuana. Most importantly, we believe it is imperative that Congress and the President ~~to~~ work together to finally pass legislation to re-schedule marijuana under the Controlled Substances Act so we can research and physicians can have hard evidence on the health benefits and health risks of marijuana.

The Medical Society of the State of New York stands ready to work with the New York State Senate and Assembly in resolving this public health crisis on vaping. Please know that physicians throughout the state will work to support efforts to end this crisis and to assist young people and adults in quitting this new “addiction.”

Thank you for the opportunity to provide our comments on this critically important public health issue that affects many of our patients across the state.