



The Maine Heritage Policy Center Testimony to Oppose LD 2052 “An Act To Enact Restrictions on Electronic Smoking Devices and New Tobacco Products”

Senator Gratwick, Representative Hymanson and distinguished members of the Committee on Health and Human Services, my name is Adam Crepeau and I serve as a policy analyst at The Maine Heritage Policy Center. Thank you for the opportunity to speak in opposition to LD 2052.

This bill is government intervention at its worst. The Maine Heritage Policy Center opposes LD 2052 because it would generally prohibit individuals from selling, furnishing or giving away electronic smoking devices or nicotine liquid while only authorizing its sale, furnishment and gifting by tobacco retailers and marijuana stores after Maine’s bureaucracy creates rules based on federal research and regulations. Put simply, this bill gives the federal and state government more control over the day-to-day lives of Maine citizens.

Maine’s businesses should not be required to wait for the government bureaucracy to approve whether they can sell electronic smoking devices. As long as individuals and businesses are not selling these devices to minors, they should be able to continue to do so without a permission slip from the State of Maine or the federal government.

LD 2052 would require tobacco retailers to wait until the United States Food and Drug Administration approves the use of electronic smoking devices as an evidence-based tobacco cessation strategy and creates regulations relating to manufacturing, testing, sale and use of electronic smoking devices. While the decision to use electronic smoking devices may be deemed unhealthy, legal adults should have the ability to use them if they so choose.

While proponents of vaping regulations claim electronic smoking devices alone cause lung injuries, those assertions are largely overhyped. In fact, the federal government found vitamin E acetate, a sticky substance that clings to lung tissue and is typically found as a “thickening agent” in vaping products that contain Tetrahydrocannabinol (THC), is the likely culprit for most of the lung injuries in the United States, not nicotine liquids or vaping products in general.¹ This bill would put restrictions on all electronic smoking devices and nicotine liquid in the state.

¹ https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html



Moreover, cigarettes are responsible for 480,000 deaths, or about 20 percent of all deaths annually, in the United States.² According to Public Health England (PHE), using vape products is 95 percent safer than smoking cigarettes.³ The United Kingdom is actively trying to get smokers to quit through the use of vape products.⁴ In other words, electronic smoking devices, which are relatively safe compared to cigarettes, would be more restricted than deadly cigarettes. This does not pass the straight face test.

A more responsible way to contain lung injury would be to limit ways in which vitamin E acetate is used in these products. The chemical may be safe to use in skin lotions, but it's dangerous for individuals to inhale into their lungs. In addition, enforcing current laws to keep electronic smoking devices out of the hands of minors would protect individual liberty while mitigating the use of vaping products among minors.

For those reasons, The Maine Heritage Policy Center urges the committee to vote, "Ought Not to Pass" on LD 2052. Thank you.

² https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm

³ <https://www.gov.uk/government/news/e-cigarettes-around-95-less-harmful-than-tobacco-estimates-landmark-review>

⁴ <https://www.theguardian.com/society/2018/dec/28/vaping-is-95-safer-than-smoking-claims-public-health-england>