

Good Afternoon Senator Baldacci, Representative Meyer and members of the Health and Human Services Committee. My name is Owen Casas and am testifying on behalf of the Maine Vapers Association (MVA) in opposition to LD's 1215, 1174 and 1558.

First, we would like to thank the bill sponsors for bringing this important topic up and hope for this to be a beneficial and fruitful discussion for all Mainers. Like many of you, we are not "pro tobacco", nor are we pro "big tobacco". We are, however, very much pro freedom of choice for legal age adults and wish simply to balance the perceived desire to protect our youth, alongside protecting the decision making of those adults who choose to consume tobacco products.

I believe that my testimony will be just one of many you receive on these bills so I will (try to) keep this brief. That said, there are many aspects included in this general topic can and should have robust discussion, albeit constrained and not comingled with differing aspects. For example, the inappropriate marketing by big tobacco companies to adults within minority communities should have a policy solution aimed at that demographic. Similarly, a policy intended to curb youth tobacco consumption should primarily address the concerns arising from that demographic.

As someone who has been involved in most of the municipal and state level flavored tobacco discussions over the last two years, I will try and synthesize my experience. As an aside, my experience is from the perspective of a former legislator, town administrator, municipal select board member, father of six children ranging from 1- 13 years old, AND as a white male who was targeted by big tobacco (alongside basically every other military member who served... who were also given tobacco as "gifts" from tobacco companies, typically in combat zones, not at home).

Neither I nor any other MVA member has publicly advocated for tobacco or said there were no issues needing regulatory changes. In spite of store owners voluntarily removing advertising and offering to engage collaboratively with municipalities to protect our youth, it is a constant refrain that store owners are "death dealers" who care for "profits over protecting our children". This overlooks that most store owners are parents themselves, who desire only to provide products and services to those adults legally allowed to purchase controlled substances.

Carrying this generally false narrative, and outdated information of federal regulations on product offerings, anti-tobacco advocates have blatantly spread false information while simultaneously encouraging council members to limit (in some cases prohibit) engagement by store owners or trade representatives like myself from equal discussion time.

This is important, as I am positive that these municipal ordinances will be showcased as the "municipalities stepping up" where the state hasn't. Although I acknowledge that this has been an effective strategy for getting prohibitions passed, it doesn't help the problem of youth tobacco access as the proponents would like. For example, while discussing one municipalities recent flavor ban, a councilor stated confusion about my referencing the benefits of federal regulations that have decreased the percentage of middle and high school students reporting tobacco use (primarily flavored and or vaper based). The Maine Integrated Youth Health Survey (MIYHS) shows, from 2019 to 2021, a 6.1% decrease for middle school kids and 12.4% decrease for high school kids statewide when answering the question "have you ever used an electronic vape device?". The confusion was on the difference between the narrative expressed by anti-tobacco advocates and the reality expressed in the MIYHS.

As stated before, we fully support the discussions around curbing tobacco use generally, and specifically all reasonable ways to limit youth exposure. We cannot support discussions that come in topics specifically designed to confuse elected officials and citizens alike. This is exceptionally disappointing because patients have an expectation to be honest with their health care providers, otherwise that individual's "malady or health concern" cannot be accurately assessed. Yet these same health experts will reference outdated data, ignore the current regulatory structure in place for tobacco access and handpick examples of severely hospitalized youth "vapers" who were, in reality, harmed by an unregulated vape cartridge containing THC and chemical additives not allowed under FDA regulations.

It is no wonder this pressing issue has been so challenging to make progress on. Like any process or societal issue under consideration, the outputs one can expect are only as good as the inputs given.

So, I will close again with my thanks for this opportunity to discuss this topic in a venue, the legislature, that values the rights of proponents and opponents equally. I very much hope that we can finally have the comprehensive discussion of facts about tobacco use in Maine so that whatever policy decision emerges is aligned with the values of Mainers, and the reality we experience today.

A mentor of mine in the legislature always asked a pertinent question when bills here heard in committee: What problem are you trying to solve with this legislation?

The Maine Vapers Association is committed to being a partner to the legislature, our states municipalities and the amazing citizens who call Maine home. We look forward to working with you and others as we collectively find ways to educate our youth on the harms of tobacco use, as well as discussing adult consumption rates and what efforts can be done to support that community as well. As long as the freedoms that built the state and nation are respected, we are willing and happy to assist however we can.

Respectfully,

Owen Casas

Maine Vapers Association