



April 25, 2023

To: Members of the Maine Senate Health & Human Services Committee
From: Americans for Tax Reform

Dear Senator,

On behalf of Americans for Tax Reform (ATR) and our supporters across Maine, **I urge you to reject LD 1174 and LD 1215**, misguided legislation that seeks to restrict access to lifesaving reduced risk tobacco alternatives such as nicotine delivery systems through prohibiting flavors in e-cigarettes. **This bill, if enacted, would adversely affect employers throughout Maine, damage public health by increasing smoking prevalence, and foster a burgeoning illicit market.**

LD 1174 and LD 1215 would prohibit legal products sold by small businesses through Maine, which consumers use as an alternative to cigarettes. At this time of high inflation and economic uncertainty, imposing a prohibition on flavored tobacco and vaping products would diminish a crucial source of revenue for many small businesses, reducing their job-creating and sustaining capacity.

Banning flavors in tobacco and vaping products would also reduce state tax collections. The Bay State serves as a cautionary tale. Since Massachusetts implemented a ban on all flavored tobacco and vape products in the middle of 2020, cross-border purchases and growing black market sales have mirrored the decline in sales in the Commonwealth. In the first six months since the ban was enacted, Massachusetts retailers sold 17.7 million fewer cigarette packets compared to the same six months in the prior year, while neighboring Rhode Island and New Hampshire combined to sell 18.9 million more as Massachusetts residents stocked up across state lines. **This policy failure is costing Massachusetts more than \$10 million each month in forgone excise tax revenue. Should Maine pass either LD 1174 or LD 1215, similar economic consequences will be felt in Maine.**

While the states of Rhode Island and New Hampshire have been some of the biggest beneficiaries of Massachusetts' ban, criminal syndicates have also benefited. Contrary to popular belief that tobacco smuggling is a victimless crime consisting of someone purchasing a few extra cartons across state lines, in reality most tobacco smuggling is run by multi-million dollar organized crime syndicates. **These networks, who also engage in human trafficking & money laundering, have also been used to fund terrorist and the US State Department has explicitly called tobacco smuggling a “[threat to national security](#)”.**

It must be noted that studies have repeatedly shown that flavors, which LD 1174 and LD 1215 would prohibit, are critical to helping adult smokers make the switch to vaping. Adults who use flavored vapor products are 43% more likely to quit smoking than an adult who

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uses un-flavored products, according to a recent [study](#) from ten of the world's top experts in cancer prevention and public health.

Further, bans on flavored vaping products are shown to cause increased youth cigarette smoking. A [study](#) from Dr. Abigail Friedman at the Yale School of Public Health found that when San Francisco imposed a flavor ban in 2018, youth smoking doubled. Before San Francisco's flavor ban, the city had lower youth smoking rates than comparable counties like New York and Los Angeles. After the flavor ban, San Francisco's youth smoking rate rose to 6.2% while comparable districts had an average rate of 2.8%. LD 1174 and LD 1215 would create a situation where similar public health consequences could occur among youths.

Additionally, contrary to the claims of anti-vaping advocates, flavors play no role in youth uptake of vaping. Academic studies have found that teenage non-smokers "willingness to try plain versus flavored varieties did not differ" and a mere 5% of vapers aged 14-23 reported it was flavors that drew them to e-cigarettes. National Youth Tobacco Survey results have shown [no increase in nicotine dependency](#) among youths since flavored products entered the market and the [CDC](#) has found that only 3.1% of youths use e-cigarettes daily, disproving the myth of an ongoing "youth vaping epidemic."

Paradoxically these bans may therefore increase youth smoking in the state: By definition, criminals and smugglers are unlikely to obey laws and would not follow rigorous age-verification requirements mandated at reputable outlets.

About E-Cigarettes and Vapor Products:

- Traditional combustible tobacco remains one of the leading preventable causes of death in Maine. The negative health effects of combustible tobacco come from the chemicals produced in the combustion process, not nicotine. While highly addictive, nicotine is a relatively benign substance like caffeine and nicotine use "does not result in clinically significant short- or long-term harms".
- Nicotine replacement therapies such as nicotine patches and gums have helped smokers quit for decades. In recent years, advancements in technology have created a more effective alternative: vapor products and e-cigarettes. These products deliver nicotine through water vapor, mimicking the habitual nature of smoking while removing the deadly carcinogens that exist in traditional cigarettes.
- The [CDC](#) has found that only 3.1% of youths use e-cigarettes daily, disproving the myth of an ongoing "youth vaping epidemic."

Benefits of E-Cigarettes and Vapor Products:

- Vapor products have been [proven to be at least 95% safer](#) than combustible cigarettes. A comprehensive analysis of nicotine product harm estimates that e-

cigarettes expose users to just 4% of the harm of combustible cigarettes.

- E-cigarettes are also more than [twice as effective](#) at helping smokers quit than traditional nicotine replacement therapies. According to one [study](#), a smoker attempting to quit with an e-cigarette has an estimated 323% higher chance of achieving complete cessation compared to someone using a traditional nicotine replacement therapy like nicotine-containing patches, gum, or mouth spray.
- Vaping has been endorsed by over 100 of the world's leading [public health organizations](#) as safer than smoking and an effective way to help smokers quit.
- When e-cigarettes entered the market in 2003, the U.S. adult cigarette smoking rate was 21.6%. Due to increased access to vaping, the U.S. adult smoking [rate](#) has plummeted to 13.7% as of 2018.
- An [analysis](#) by Public Health England demonstrated just how effective vaping is in helping people quit smoking, noting that in just one year, over 50,000 British smokers, who would have continued smoking otherwise, quit smoking with vaping.
- A study from Value in Health Journal [found](#) that legislative actions banning flavored electronic cigarettes are directly correlated with increased traditional cigarette sales.
- Large-scale [analysis](#) from Georgetown University Medical Center estimates that 6.6 million American lives can be saved if most cigarette smokers switched to vaping. **This would save more than 27,000 lives in Maine.**

For the reasons outlined above, ATR urges you to **reject and vote No on LD 1174 and LD 1215.**

Sincerely,

Grover Norquist
President
Americans for Tax Reform