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LD 1174

My name is Char Owen I'm the president of the American Vapor Manufacturers Association, and I'm here in opposition to LD 1174. A Flavor ban on vaping products would hurt Maine citizens by removing their access to less harmful products and the Maine economy.

Banning vaping flavors would deal a severe blow to the entire vaping industry, including manufacturers, distributors, and retailers, and could result in massive job losses. Moreover, such a ban would drive adult vapers back to smoking and push them to the black market, where unregulated products could pose potentially dangerous risks. For example, a ban on menthol cigarettes was implemented in Massachusetts in 2020. However, according to a report by the New York Post, the ban resulted in a 6.6 percent increase in the state's black market for menthol cigarettes. This demonstrates that banning a specific flavor or product does not eliminate the demand for it but rather drives it underground, creating an unregulated and potentially dangerous market.

In addition, the recent statements made by Brian King of the FDA during a webinar with AVM indicate that flavor is not required to reduce youth use since it is already in decline. King stated that youth use has dropped significantly and is no longer an epidemic, which clearly indicates that the industry has taken significant strides to address concerns about youth access to vaping products.

Also, the FDA has stated vaping is moving down the continuum of risk for smokers. A very serious concern with this bill is the ban of menthol. Legislators feel that menthol cigarettes appeal to teenagers, however when you remove menthol vaping products from shelves, you not only remove the preferred harm reduction product from Maine's African American population, you are also treating them like children in the sense that they aren't trusted to make their own decisions. In vulnerable populations, it is critical they be allowed the methods the FDA has stated are moving down the continuum of risk.

In conclusion, there are more effective approaches to addressing concerns about youth vaping than banning flavors or products. It would create unintended consequences, such as a significant economic impact, harm small businesses, drive demand to the black market, and potentially result in public health and safety risks. We should instead focus on implementing evidence-based policies that promote public health, support small businesses, and ensure the safety of all vaping products.