

Jacob Posik
Saco
LD 278

Good afternoon Senator Grohoski, Representative Cloutier, and distinguished members of the Committee, my name is Jake Posik and I serve as the director of Legislative Affairs at Maine Policy Institute. I intended to join you today but am having internet connectivity issues. Maine Policy also supports this bill but I submit this testimony as a private citizen.

July 5, 2021 was the last day of my life that I used dip, or smokeless tobacco. Dipping was a horrible habit that I picked up in college and it persisted for far too long. But in 2021, a friend of mine turned me on to a product called Zyn, which I had never heard of before, which he used to stop dipping as well.

Zyns are little pouches which contain food-grade nicotine salt. They do not contain the other harmful chemicals or additives that you would find in combustible cigarettes or smokeless tobacco. That's why they are a popular harm reduction tool to stop smoking or dipping.

When I started using Zyns, there was a financial incentive to use these products over more harmful dip because they were far less expensive. Depending on the retailer, you could get Zyns for a dollar or two cheaper per can than a can of dip. From a financial standpoint, it was really easy for me to make that decision.

Unfortunately, last year, this committee gave approval to LD 2028, which became law without the governor's signature. That bill redefined tobacco to include any products which contain nicotine. Frankly, because so much time and focus was being paid to the flavored tobacco ban, the change of the legal definition of tobacco contained in LD 2028 slipped through the cracks.

LD 2028 treats products which only contain nicotine the same as cigarettes and dip. This is backwards public health policy and regressive tax policy. Tobacco users should have a pathway to use less harmful products on the road to quitting, much like I did. There are tens of thousands of Mainers out there like me who would utilize this pathway again if given the opportunity.

Unfortunately, today in Maine, the cost of Zyn is on par with more harmful tobacco products. That should change immediately. If the goal is to get tobacco users to quit, it makes no sense to tax less harmful nicotine products equivalent with cigarettes.

Unfortunately, the governor's proposed budget would make this matter worse. Because nicotine is considered tobacco in Maine law and the tax is equalized on all of these products, the governor's budget would also increase the tax on Zyns, making them more expensive, and making Mainers less likely to use this less harmful product.

I plead with you to undo that action contained in LD 2028. Please restore the financial incentive for Mainers to use less harmful products. That is how we responsibly curb tobacco use to the benefit of public health, and to the benefit of the future fiscal stability of this state.

And if you're not interested in wholly removing nicotine from the definition of tobacco in Maine law, I ask you to consider taxation based on a continuum of risk, where the most harmful products are taxed the most and less harmful products are taxed less. That approach is still preferable to treating all of these products equally.

For these reasons, I urge you to support LD 278 this session, and thank you again for the opportunity to testify, and I'm happy to answer any questions you may have for the work session.