

Testimony on LD 1938

Good Afternoon Senator Ingwersen, Representative Meyer, and members of the Health and Human Services Committee. I am Owen Casas and am providing testimony, on behalf of the Maine Vapers Association, in opposition to LD 1938, *An Act Regarding the Regulation of Tobacco*.

Although most areas of statute proposed to be affected by this bill are minimally impactful to Association members, we the change in definition language for “Electronic Smoking Device” very troublesome.

The change in Title 10 (Commerce and Trade) to the Unfair Sales Act, and in Title 22 (Health and Welfare) to the Retail Tobacco Sales are neither supported or opposed by us. We do support the increase in fines for those not following fair trade practices and could potentially support language changes in these sections, if the Committee does so as a collaboration with industry stakeholders during work session. We are open to this possibility and can be available for the work session.

Our strongest opposition is in regards to the change in definition to “Electronic Smoking Device”. The proposed change reorganizes the beginning portion of the definition and then adds that “*‘Electronic smoking device’ does not include any battery or battery charger when sold separately. “Electronic smoking device” does not include drugs, devices or combination products authorized for sale by the United States Food and Drug Administration*”.

It is important to note that this definition is in Title 36, Taxation. To clarify, we believe this redefinition exempts 3 of the 5 largest tobacco manufacturers from certain tax obligations, for products that ARE NOT SMOKING CESSATION devices. Without taking the definition in context, referencing products “authorized for sale by the United States Food and Drug Administration” can present a generally positive perception of the impacts related to said products. However cigarettes, which I haven’t heard anyone recently argue are good for human consumption, are also “authorized for sale” by the FDA.

We strongly recommend the definition change in 2-A of the bill be removed from consideration or that LD 1938 be voted “Refer to Another Committee”, specifically the Committee on Taxation. We suggest the Health and Human Services Committee members who acted as liaisons to the Appropriations Committee during the budget process be considered to act as liaisons to Taxation when/ if they take up LD 1938.

This definition change would have an impact on state revenues, so if that is the intent of the bill sponsor and committee, it would be prudent to have Taxation provide feedback prior to consideration by Appropriations.

Thank you for your time and consideration. I am happy to answer any questions you might have.
- Owen Casas