

Senator Baldacci, Representative Meyer and members of the Health and Human Services Committee thank you for the opportunity to speak. I'm here to speak in opposition to LD1215 and LD1174

My name is Anthony Scott, and I am one of the owners of Portland Smoke and Vape. We are a family-owned tobacco specialty store with 4 locations in Maine and operate another in NH. I'm also a member of the Maine Vapers Association, which works to give small independently owned retailers and the consumers a voice in Maine. We want to be a cooperative group with regulators to find solutions that work in the best interests of the people of Maine and protect the rights of adult flavored tobacco users that have chosen a safer alternative to combustible tobacco.

Over the last year, there have been several cities banning flavored tobacco products. Likely, something that will be heard today from the anti-tobacco folk, so I feel it's important to highlight a couple points with the municipal bans. The discussions at the municipal level have been unfair and one sided. Councilors are willing to harm and inconvenience tobacco using constituents with a ban while claiming they know the goal of stopping kids from using these products will not be accomplished by the local ban, but they move forward in favor regardless, which doesn't make much sense. The same is true at the State level. The business will move to our bordering State, black market, or sales from online channels still illegally selling into the State which is what has been happening in Massachusetts.

My South Portland store was impacted this month. We are on track to see a 60-65% drop in sales during the first month which has led to us cutting three jobs. It isn't right for businesses and their employees to have to worry every year whether they will continue to have a job. There needs to be a win-win approach between industry and government, instead of the win-lose approach taken by municipalities which is interrupting local peoples' livelihoods and personal health choices for an agenda being pushed into our State and backed by well-funded anti-tobacco groups.

In South Portland, Councilors made it appear that it was one sided and stated in public hearing only three people were opposed to the ban but that couldn't be further from the truth. A FOIA request pulled by my group showed many letters written to councilors with little engagement while many conversations and meetings with anti-tobacco folks were kept out of public viewing. Also, another thing to be noted, we pulled a referendum petition during Christmas and New year's holiday alongside other local retailers in which we collected nearly 1000 signatures from residents of South Portland. It may be true we didn't succeed in halting the ban, falling shy by 100 signatures, but it is important to note we proved that there is a very large divide on this issue and a win-lose approach ensures that a very large segment of the population in Maine are going to be upset and not agree with the outcome. We are supposed to be creating a society in which we can all live together with different views and opinions but work together to find solutions to problems that work for all.

It is important to recognize that the work of this legislature in the past has led to a decrease among youth vaping in the State as shown in Maine Integrated Youth Health Survey. The fact, we have lowered youth vaping rates, while protecting and respecting the rights and health choices of the adult population of Maine, should give some indication that it is possible to lower rates without prohibition if we continue to work towards that goal. Prohibiting these products completely isn't the answer.

I'm attaching a couple studies I felt important when considering this and happy to gather more studies if there is any information needed by legislature for the workshop. I urge you all to oppose this legislation.

Thank you for your time and consideration,

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1. Study: <https://pubmed.ncbi.nlm.nih.gov/33850007/>

Description: Evidence supporting youth being more likely to access flavored e-cig through social source due to flavor ban. Compared with underage and young adult users in the rest of California, those in localities that restrict the sales of flavored tobacco were less likely to obtain flavored JUUL from retail sources (Adjusted OR=0.54, 95% CI 0.36 to 0.80), but more likely to obtain it from social sources (Adjusted OR=1.55, 95% CI 1.02 to 2.35). The same pattern was observed for other brands of flavored e-cigarettes.

2. Study: <https://tobaccocontrol.bmj.com/content/30/1/108>

Description: Study supports flavors playing a major role in vaping initiation for current smokers, former smokers, and vaping-susceptible non-smokers, and remain important to those who continue vaping.

3. Study: <https://uwaterloo.ca/news/media/bans-flavoured-e-cigarettes-could-see-some-vapers-return>

Description: Vapers were asked what they might do if there was a ban on the flavors that they were currently vaping. Of the 57 percent who reported they would continue vaping, half would vape an available legal flavor (tobacco flavor in the U.S., tobacco and menthol in Canada and England), and the other half reported that they would find a way to get their preferred flavor(s) after the ban. About one in five vapers said they would stop vaping and smoke instead, with 13 percent reporting that they did not know what they would do.