

Josh Meader – Territory Supervisor  
Maine Smoke Shop  
50 Western Ave  
Augusta, ME 04330

My name is Josh Meader and I work for the Maine Smoke Shop. Local flavor bans have now affected 3 of our locations, those being Portland, Brunswick and Bangor.

It's been not quite a year and to the best of my knowledge neither Portland or Brunswick have ever been inspected. That's startling to me. The push to ban these products is feverish but it appears there's little interest in actual enforcement.

The day before the ban started in Brunswick we were visited by a very professional officer. He was very nice but his knowledge of our products was very lacking, non-existent would be a better representation. He was provided no resources from the city council. He basically said tomorrow you have to stop selling flavors.

With that stated, how can inspections be performed consistently and fairly. Depending on which officer shows up the outcome of each inspection could be very different. The ordinance in part defines flavored as "any tobacco product that imparts a taste or smell, other than the taste of tobacco prior to, or during the consumption".

Now imagine what an inspection looks like. Aside from warning labels there is no clear standard or color coding. And the metric the ordinance prescribes to determine flavor is subjective. Is the officer going to sit outside and smoke each and everyone of my products to determine compliance?

I see a very different standard applied to tobacco. I'm told we need to ban it for the Children's sake, or for certain groups within the community.

**Tobacco is harmful and I'm not arguing that issue. I'm pointing out a double standard.** Flavored tobacco is singled out repeatedly while alcohol and Cannabis is overlooked.

I've worked for the company over 12 years and during that time we have had millions of individual transactions and only had a handful of violations. It's embarrassing, I wish we had a perfect track record but that's not reality. In all those instances we had given State approved training to those employees

beforehand. We did everything within our power to prevent it but you can't eliminate the human factor. We are all fallible.

But there is a huge difference between making a mistake and doing something on purpose. After fielding customer complaints we discovered 19 Days after a flavor ban went into effect a store owned and operated by a City Council member was still selling flavored tobacco products. This is not conjecture, it happened, I saw it with my own two eyes and it's on video tape. I can not explain this behavior other than a total disregard for the law.

Instances like this diminish public trust in our elected officials and it would be wrong to judge other elected by the bad behavior of this one lawmaker. I feel that's what's happening to my business. These bans punish myself and my co-workers and my community for the actions of a few.

I'm reluctant to even bring this up because I'm not the flavor police. We took a financial hit and did the right thing. We have willingly, with no oversight removed flavored tobacco from our shelves when others have not. These are the consequences of passing a bill that is ultimately not enforced.

Our stores already show a migration of sales from flavor banned areas, which demonstrates there is little to no reduction in flavored tobacco consumption.

You're not fighting against a product, you're fighting the human condition. Banning things does not make them go away. The right thing to do is enforce the current laws you have and punish offenders with a consistent standard that is not subjective.