



LD 1215

An Act to End the Sale of Flavored Tobacco Products

April 25, 2023

Senator Baldacci, Representative Meyer, and honorable members of the Joint Standing Committee on Health and Human Services: my name is Gia Drew, and I am the executive director of EqualityMaine, which has been advocating on behalf of Maine's LGBTQ+ community since 1984.

EqualityMaine supports **LD 1215, An Act to End the Sale of Flavored Tobacco Products**. We supported a very similar bill, LD 1550, in the 130th legislature, which passed out of this committee with amendments in 2021. Unfortunately, that bill did not make it to the finish line, but since then, five Maine cities and towns have taken up the charge and have banned flavored tobacco products, including Portland, South Portland, Brunswick, Bangor, and most recently Bar Harbor. It's time Maine does the right thing to protect the health and wellbeing of Mainers.

Health equity has been a core tenet of LGBTQ+ advocacy for decades, particularly since the beginnings of the HIV/AIDS epidemic. We support policies that will make Maine's LGBTQ+ community healthier and better able to enjoy life without chronic conditions holding them back. LD 1215 does just that.

Two well-documented trends help us understand why this bill is needed for our community. First, we know that LGBTQ+ people suffer disproportionately from diseases caused by smoking – a direct result of the tobacco industry's marketing to our community. Second, we also know that young people overwhelmingly use flavored tobacco products. Ending the sale

of flavored tobacco products is therefore a crucial step to ensure the next generation of LGBTQ+ Mainers does not suffer the long term health impacts of tobacco use.

The relatively high rate of tobacco use in our community is not random. Instead, it is the product of deliberate tobacco industry marketing. The tobacco industry has taken out ads in LGBTQ+ publications, sponsored Pride events, marketed rainbow-themed products, and even done product giveaways in the community. As a result of their tactics, LGBTQ+ Americans now smoke at a rate nearly twice that of non-LGBTQ+ people¹.

This high rate of tobacco consumption has led to significant health disparities between LGBTQ+ Americans and the general population. Members of our community suffer at higher rates from a number of chronic and acute conditions, including asthma, chronic obstructive pulmonary disease, strokes, heart disease, and hypertension.

In Maine, data from the Maine Integrated Youth Health Survey show us that LGBTQ+ high school students use tobacco at much higher rates than their non-LGBTQ+ peers². If we are to prevent the next generation of LGBTQ+ youth from suffering from the long-term impacts of tobacco use, ending the sale of flavored products is crucial.

However, acknowledging the association between tobacco use and Adverse Childhood Experiences and/or trauma as well as the average amount of time and attempts it takes to successfully quit tobacco products, we suggest delaying the implementation of this bill for an amount of time that allows for sufficient planning and education.

The industry has pushed flavored tobacco products to young people in particular. Tobacco

¹“LGBTQ+ People Experience a Health Burden from Commercial Tobacco,” Centers for Disease Control and Prevention (Centers for Disease Control and Prevention, June 27, 2022), <https://www.cdc.gov/tobacco/health-equity/lgbtq/health-burden.html>.

²“2021 Maine Integrated Youth Health Survey,” Maine Department of Health and Human Services and Maine Department of Education. <https://www.maine.gov/miyhs/2021-results>.

manufacturers are certainly aware that 95% of smokers begin the habit before they turn 21³ and that eight in ten kids⁴ who use tobacco products begin with flavored products that mask the harshness of traditional tobacco smoke. This is a deliberate strategy to get kids hooked and turn them into lifelong customers. The tobacco industry must take us for fools if they expect us to believe that a product named “Unicorn Tears”⁵ is intended to be used by an adult smoker.

Young people overwhelmingly use flavored tobacco instead of traditional tobacco, a direct result of predatory industry marketing. Absent these dessert-and fruit-flavored products, these young people may have never started the dangerous habit of smoking in the first place. We owe it to this next generation of Maine youth to take the necessary steps so that they may live free and healthy lives. Please vote Ought to Pass on LD 1215 with the necessary adjustments.

Thank you,

Gia Drew (she/her)

Executive Director, EqualityMaine

³ American Lung Association, “Tobacco Use among Children and Teens,” American Lung Association, <https://www.lung.org/quit-smoking/smoking-facts/tobacco-use-among-children>.

⁴ “Youth and Tobacco Use,” Centers for Disease Control and Prevention (Centers for Disease Control and Prevention, November 10, 2022), https://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm.

⁵ “Sadboy Tear Drops Bloody Tears Ejuice: Only \$13.99: EJUICE Deals,” eJuice.Deals, <https://ejuice.deals/collections/cookie-flavored/products/sadboy-salt-unicorn-tears-ejuice>.