



# Maine Medical Association

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• **SUPPORT** Maine Physicians • **ADVANCE** the quality of medicine in Maine • **PROMOTE** the health of all Maine people

TO: Joint Committee on Health and Human Services  
FROM: Mikenzie Dwyer, Public Health & Government Affairs Associate  
DATE: April 25, 2023

## **SUPPORT** – LD 1215, An Act to End the Sale of Flavored Tobacco Products

Good afternoon, Senator Baldacci, Representative Meyer and the esteemed members of the Health and Human Services Committee. My name is Mikenzie Dwyer, I am the Public Health and Government Affairs Associate for the Maine Medical Association and I live in Windham. On behalf of the MMA, I appreciate the opportunity to submit the following comments in strong support for LD 1215 to prohibit the sale of flavored tobacco products in the State of Maine. This bill would protect the youth of Maine by reducing access to flavored tobacco products, to prevent youth tobacco use.

The Maine Medical Association is Maine's largest professional association representing over 4,300 current and future physicians from all specialties in all practice settings. Amongst our top priorities is protecting and investing in Maine's public health. Physicians across the state treat patients impacted by the long-term effects of tobacco and tobacco-related products – 99% of whom started before the age of 18 ([CDC, 2019-2020](#)).

Efforts to reduce tobacco use, particularly amongst youth, are far from new. Since 1970 with the Surgeon General warning on all cigarette packages, the nation has been trying to protect the public health and improve health outcomes by reducing tobacco use and preventing the leading cause of preventable deaths. The tobacco use landscape has evolved from combustible cigarettes to electronic and vaping devices. These products come with flavors such as cotton candy and tropical slushy; the devices can come packaged as cartoons such as SpongeBob. Electronic and vaping devices are not a safe alternative, we have seen a rise in youth tobacco use with these products and their flavors. Communities have responded to this rise by banning flavors at the local level – it is time we respond as a state.

### **Background:**

In 2009, the Tobacco Control Act banned characterizing flavors other than menthol from combustible cigarette products nationwide – a measure that resulted in fewer youths smoking combustible cigarettes or menthol cigarettes.

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In April 2022, the FDA proposed a rule to prohibit menthol cigarettes and flavored cigars to prevent youth smoking. The FDA proposed the rule would result in a 15.1% decrease in smoking within 40 years, saving up to 654,000 lives.

In August 2022, the Federal Trade Commission reported recent sales of disposable e-cigarettes and menthol e-cigarette cartridges and menthol e-cigarette cartridges. The report concluded that since FDA prioritized enforcement of ENDS flavors other than menthol, sales of menthol cartridges for e-cigarettes rose to 63.5% of all cartridges sold in 2020—up from 36.9% in 2018. In fact, sales of cooling-flavored (e.g., menthol, mint, ice) e-cigarettes have increased almost 700% since 2017.

States including Washington, Maryland, New Mexico, New York, Oregon have introduced legislation this year to limit the sale of flavored tobacco products. Most recently, our neighbor Vermont passed its legislation to ban the sale of flavored tobacco products and e-liquids.

### **How this would help:**

Every day, more than 1,200 people in this county die due to smoking. For each of these at least two young people or young adults become regular smokers each day. Almost 90% of those replacement smokers smoke their first cigarette by age 18.

There could be three million fewer young smokers today if success in reducing youth use between 1997 and 2003 had continued (Tobacco Regulation Act). Nine out of ten adults who smoke cigarettes daily first try smoking before the age of eighteen. Three-quarters (72.7%) of young adult current tobacco users report flavored tobacco use.

In a recent study by the University of Pennsylvania to determine the impacts of California's tobacco flavor ban on youth consumption found there was a decline in youth tobacco use. The study also found that young people did not start using an un-flavored tobacco product instead – meaning they would only use the tobacco products if they were flavored (Tan, Andy, et al. Penn LDI)

“Tobacco dependence, responsible for ~4 million annual deaths worldwide, is considered to be a “pediatric disease”” (American Academy of Pediatrics). In 2021, 80.2% of high school students and 74.6% of middle school students who use tobacco products report using flavored tobacco (CDC).

Banning flavored tobacco is stopping one of the tactics used to appeal to youth. The intent is to get lifelong demand by addicting individuals early. This tactic is incredibly costly, not only for the lives of our children but also for our society at large. Each year smoking costs the U.S. more than \$300 billion – of medical costs and lost productivity.

For these reasons, the Maine Medical Association supports the efforts of our communities and our state in preventing youth tobacco use by banning the sale of flavored tobacco. We urge the committee to vote **ought to pass** on LD 1215. Thank you to the Sponsor, Senator Duson, and

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Co-Sponsor, Speaker Talbot Ross for submitting this legislation. We thank the committee for considering our comments on this important piece of legislation and welcome any questions.

Sincerely,  
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