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Testimony of the Maine Center for Disease Control and Prevention
Maine Department of Health and Human Services

Before the Joint Standing Committee on Health and Human Services

Neither for nor against LD 1938, *An Act Regarding the Regulation of Tobacco*

Sponsor: Representative Moonen
Hearing Date: May 13, 2025

Senator Ingwersen, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services. My name is Jamie Bourque, and I currently serve as the Director of the Office on Injury and Violence Prevention within the Maine Center for Disease Control and Prevention (Maine CDC) in the Maine Department of Health and Human Services and I am here today to testify neither for nor against LD 1938, *An Act Regarding the Regulation of Tobacco*.

This bill intends to make changes to the law surrounding regulation of cigarettes and other tobacco products. The proposed changes include eliminating the exception for hotel and motel rooms on prohibiting smoking, prohibiting the sale of tobacco products via vending machines, increasing violation penalties for tobacco distributors and modification to the definition of “electronic smoking devices” under state tax law.

Despite the potential positive change from this bill, we are unable to fully support it due to the proposed change to the tax definition of electronic smoking devices. The proposed change to this definition would create a potential haven from state taxes for any FDA authorized drug, device or combination product. This also comes at a time when the Maine legislature is considering bills that propose raising the tax on tobacco products, including electronic smoking devices. Research has shown that price and tax increases on e-cigarettes are an excellent deterrent against their use (Diaz et al., 2023). Other studies have affirmed the link between increases in tobacco prices and reductions in tobacco use. Results suggest that higher taxes on e-cigarettes are effective in reducing their use among youth (Abouk et al., 2022). Products that are not included in the new definition will ultimately be cheaper to consumers and potentially drive people to using those products. Other data indicates that the cheapest tobacco products are disproportionately available in neighborhoods with a greater presence of youth as well as lower median household income (Mills et al., 2019).

While we cannot support the change in language surrounding electronic smoking devices, the bill does seek to address other issues that are linked to health impacts. Although hotel and motel occupants may not be smoking around non-smokers, there are still risks to others in the form of thirdhand smoke. The Thirdhand Smoke Resource Center defines thirdhand smoke as, “the toxic chemical residue left behind by tobacco smoke. It accumulates in carpets, walls, and furniture,

becomes embedded in building materials, and persists for years after smoking stops.” Thirdhand smoke disproportionately affects vulnerable populations, including children, and increases costs associated with maintenance and remediation (Center for Tobacco and the Environment, 2025).

The prohibition on vending machines will enhance accountability for tobacco sales. Vending machines allow for purchase of tobacco without confirmation of legal age by an employee. Elimination of any remaining licensed tobacco vending machines in Maine will help retailers stay compliant with the legal tobacco age in Maine. Per the Health Inspection Program, there are currently zero (0) active licenses for tobacco vending machines in the entire state.

In conclusion, Maine CDC is neither for nor against LD 1938 as written. Considering the existing definition for ‘electronic smoking device’, Maine CDC recommends the bill be amended to remove the proposed change in the language surrounding electronic smoking devices in section 12 of the bill (36 MRSA §4401, sub-§2-A) to avoid potential confusion or conflict in laws.

Thank you for your time and attention. I would be happy to answer any questions you may have and to make myself available for questions at the work session.

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