



Maine Committee on Health and Human Services

LD 1550 - An Act to End the Sale of Flavored Tobacco Products

TESTIMONY FROM KYLE FELDMAN - OPPOSED

May 3, 2021

To the Maine Committee on Health and Human Services,

My name is Kyle Feldman and I am a Vice President at National Convenience Distributors (NCD). NCD is a full-line convenience store distributor in the Northeast, selling grocery, frozen and refrigerated food, beverage, school supplies, health and beauty products, general merchandise, as well as cigarettes and e-cigarettes. We have always recognized the value of our services, so it is not surprising that during pandemics and crisis we are deemed an “essential business”, providing the very essential services and products to our customers who supply communities for their needs. We also find ourselves navigating the recent events that have led to nationwide civil unrest across America, which also has put pressure on our businesses in obliging curfew orders for safety precautions.

NCD is one of the largest privately held companies in the Northeast. Over the last 100+ years, we have grown to over 25,000 customers which includes hundreds of customers in Maine. In addition to all of this, we are also one of the largest tax collectors in Maine. Proudly remitting upwards of 100 Million (update) dollars a year in support of the State that enables us to employ so many individuals and touch many lives in a positive way.

This background is necessary for you to understand and so that you realize I am not just some fly-by-night individual wanting my voice heard. Or we, as an organization, are not only worried about revenue.

We are your partners and are just as concerned about keeping vapor products out of the hands of youth. However, LD 1550 is not the answer.

The goal of this committee is to evaluate bills through the lens of public health however, we must ask to what point does the health interest of governments infringe on individual freedoms?

If enacted, LD 1550 will restrict the rights of more than 200,000 Maine residents from purchasing the product of their choice. A licensed, regulated, enforced, and taxed framework is the best way to protect public health without infringing on individual freedoms.

Proponents of this bill will tell you that this bill is about protecting the “kids” of Maine. However, the reality is far from that. We acknowledge that something must be done to prevent youth access to vapor products however traditional products like cigarettes and moist snuff are not attractive to youth and banning these products will do nothing except restrict adult access. In Maine, 2019 data showed [“28.7% of Maine high school students report currently using e-cigarettes \(at least one time in the past 30 days\), an increase from 15.3% in 2017.”](#) However, the [CDC High School Youth Risk Behavior Survey](#) from 2019 shows that only 1.8% of high school students smoke cigarettes frequently. Nirav D. Shah, director of the Maine Center for Disease Control and Prevention is quoted, “Notably, the 2019 responses show a decrease in the percentage of Maine students who smoke or use other forms of conventional tobacco products.”

The most important quote from that study is the following: [“The 2019 survey results also indicate that fewer Maine high school students report buying e-cigarettes from stores, decreasing from 7.2 percent in 2017 to 4.8 percent in 2019. Most students reported receiving e-cigarettes from other people or giving money to others to buy the products.”](#)

We along with the CDC understand that the issue in front of us is vapor products, not traditional tobacco. We also stand by the CDC in the FACT that our customers, retail stores, are not the issue. In 2019 the state of Maine allocated [\\$4.8 million](#) in state funds to address tobacco prevention. At what point, do we as a state stop with proposals that are overreaching and evaluate the failures of the system currently in place? As a business owner, I cannot imagine spending \$4.8 million dollars to prevent youth usage of tobacco only to find out 29% of youth are using e-cigarettes.

There is one unequivocal fact that this committee must address. Does LD 1550 do anything to prevent youth access to tobacco products? The answer is no. You need to look no further than the failed Massachusetts example. [“On June 1, 2020, the Commonwealth banned the sale of all flavored tobacco by licensed retailers. In the following 10 months, the state has lost over \\$110 million in tax revenue and watched as 76% of banned cigarette sales came back into the state over the Rhode Island and New Hampshire borders, where sales were up 16% and 22%, respectively.”](#)

The title of LD 1550 should read: An Act to punish local retailers and restrict adult freedoms. The concept that this bill will do anything contrary to that point is unequivocally false. Consumers will still buy the products in New Hampshire. Youth will still purchase the products via friends and family. Adult freedoms will be restricted. Those are the facts.

I recommend the Maine legislature do a full audit of tobacco cessation and prevention programs to see where and why they are failing. I also implore this legislature to sign into law an act prosecuting implicit adults who provide tobacco products to youth. Lastly, I recommend that this legislature move

immediately to close the Trump created, “Disposable Loophole”. According to the [FDA](#) disposable E-Cig use amongst High school students jumped from 2.4% in 2019 to 26.5% in 2020.

In summary, we are your partners in preventing youth access and use of tobacco but bills like LD 1550 do none of that. If you want to have a robust dialogue you must include local businesses like mine. We are on the front lines and in convenience stores every day, so we have a keen understanding of this issue. Vote NO on LD 1550 and instead let’s create a task force of local businesses, health advocates, and subject matter experts to truly address the issues facing our youth.

Please feel free to contact me at any time.

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