



May 7, 2021

Senator Claxton, Representative Meyer, and honorable members of the Joint Standing Committee on Health and Human Services: my name is Alysia Melnick, I'm an attorney at Bernstein Shur, and I'm here on behalf of my client EqualityMaine.

EqualityMaine supports **LD 1550, An Act To End the Sale of Flavored Tobacco Products**. Health equity has been a core tenet of LGBTQ advocacy for decades, particularly since the advent 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 1550 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 do 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 higher rate than the general population¹.

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

¹ Centers for Disease Control and Prevention. [Lesbian, Gay, Bisexual, and Transgender Persons and Tobacco Use](#).

² Maine Integrated Youth Health Survey. [Detailed Reports - Comparisons By Gender, Age, Grade, Hispanic Ethnicity, Race, Sexual Orientation, Transgender Identity, Public Health District, And County](#), p. 195.

next generation of LGBTQ youth from suffering from the long-term impacts of tobacco use, ending the sale of flavored products is crucial.

The industry has pushed flavored tobacco products to young people in particular. Tobacco 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 Tears⁵” 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 1550.

Thank you, and I’d be happy to answer any questions.

EqualityMaine was founded in 1984 following the tragic murder of Charlie Howard, a young man who was thrown off a bridge in Bangor just because he was gay. We have been advocating on behalf of Maine’s LGBTQ+ community for 37 years, and we have more than 70,000 members across the state of Maine.

³ American Lung Association. [Tobacco Use Among Children and Teens](#).

⁴ Centers for Disease Control and Prevention. [Youth and Tobacco Use](#).

⁵ See <https://ejuice.deals/collections/cookie-flavored/products/sadboy-salt-unicorn-tears-ejuice>.