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

Before the Joint Standing Committee on Health and Human Services

LD 1550 An Act To End the Sale of Flavored Tobacco Products

Sponsored by: Representative Meyer  
Hearing Date: Friday, May 7, 2021

Senator Claxton, Representative Meyer, and members, Joint Standing Committee on Health and Human Services, my name is Ermion Pierre and I am the Health Program Manager for the Maine Center for Disease Control and Prevention Tobacco Prevention and Control Program. I am here today to provide testimony on behalf of the Maine Center for Disease Control and Prevention and will be speaking in support of LD 1550, *An Act To End the Sale of Flavored Tobacco Products*.

LD 1550 prohibits the sale and distribution of flavored tobacco products. This bill defines flavored *tobacco product* to mean any tobacco product that imparts a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of a tobacco product. This bill also amends the definition of *electronic smoking device* (22 MRS § 1551, sub-§ 1-D) to further clarify that "electronic smoking device" includes any component, part or accessory of the device and also includes any substance that may be aerosolized or vaporized by that device, whether or not the substance contains nicotine and that it does not include drugs, devices or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act

The Maine Center of Disease Control and Prevention (Maine CDC) supports this bill and offers the following information for consideration.

Flavored tobacco products, no matter the type, appeal to youth. Cigarettes are prohibited from containing flavors except for tobacco or menthol. Other tobacco products including cigars and e-cigarettes are available in myriad of fruit, candy, and other flavors that mask the harshness and are appealing to young people. The vast majority of adult smokers first start before 18 years of age and are more likely to start with flavored products. Menthol has analgesic properties making it even easier to inhale, increases the likelihood of nicotine dependence, decreases the likelihood of quitting, and contributes to disparity in use in certain vulnerable populations.

Many states and communities have restricted the sale of flavored tobacco products which resulted in a loss of tax revenue. Although it is difficult to pre-determine the magnitude of the

bill's fiscal impact, states like California found that the health care cost savings and quit rates offset the potential loss in tax revenue. Any projection of lost revenues would be speculative in nature since data will be gathered following the implementation of the bill.

Federal courts have found that federal law does not limit the authority of these jurisdictions to prohibit the sale of tobacco products in accordance with the Family Smoking Prevention and Tobacco Control Act passed in 2009. Research has also found that laws that do not include menthol cigarettes, or that do not apply to all tobacco retailers, may reinforce health disparities. In summary, the Maine CDC respectfully recommends this bill ought to pass as evidence shows that flavored tobacco products, including menthol cigarettes, increase the risk of youth initiation, undermine tobacco treatment efforts, and contribute to health disparities. Additionally, the Maine CDC suggests that the language specific to *electronic smoking device* found in the bill be reviewed for potential impact on regulations governing Maine's Medical Use of Marijuana Program and, specifically, that the legislation clarifies whether the provisions of this bill apply to these laws that refer to permissible paraphernalia.

Thank you for your consideration of this matter and for the opportunity to provide testimony today. I can address questions from Committee and I will be available to participate in the work session.