

Mark Linkhorst
Damariscotta
LD 1693

Members of the HHS Committee,

I am writing as a voter and a taxpayer in Maine urging you to resist calls from well-meaning but misinformed activists to ban flavored vapor products and other safer alternatives to smoking. Specifically, I am writing in opposition to LD 1693, Part D, which would ban the sale of flavored vapor products. It should now be clear that such drastic action would cause irreparable harm to the same people it is intended to protect. Forcing legitimate specialty retailers to close will expose consumers to unnecessary risks including shopping on an unregulated underground market and even returning to smoking.

Legal, regulated businesses play a vital role in ensuring that consumers have access to well-made products and keeping adult products out of the hands of young people. If these products are pushed into an underground market where there is no oversight and no motivation to comply with regulations, purchasing and consuming nicotine will be unnecessarily more risky.

The 2019 outbreak of lung illnesses being broadly attributed to "vaping" by health officials is a direct result of overbearing drug policy that encourages products to be made and sold by an underground, unregulated industry. Pushing nicotine products--currently being made and sold by legitimate businesses--into such an environment might have similar results, including exposing all consumers to greater risk.

I, along with my fellow members of Consumer Advocates for Smoke-free Alternatives Association (CASAA), thank you for considering my comments on this issue. Please know that the vaping community are your allies in addressing concerns about youth use and we are open to working toward a positive way forward. I look forward to your response on this issue and I am available for any questions you might have.

As a small business owner, I sell products that are designed to vaporizer cannabis flowers. Maine Revenue Services considers these devices "Electronic Smoking Devices" even though that exemptions were made in the law passed in 2019 that put a 43% tax on these devices. The problem is that this law was so over reaching in its wording and the interpretation by MRS is clearly wrong as medical cannabis paraphernalia is protected by the medical cannabis law. This law would increase the harms around cannabis consumption for my customers.

The devices we sell are not regulated by the FDA because cannabis sativa with THC over .3% is still a schedule one controlled substance. Therefore the FDA will not certify these devices as a medical device even though customers across many states are using them for the consumption of legal hemp & medical cannabis. These devices when used for cannabis offer harm reduction, greater efficiency and savings on medical cannabis consumption overall compared to burning the plant. Why does the state want to ban a product like this for sick people trying to medicate in a healthy manner compared to smoking the marijuana? Please don't ban these devices. Regulate!

Sincerely,
Mark Linkhorst
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