

WRITTEN TESTIMONY OF MICHAEL A. MADDEN, MD
REGARDING LD 1693 TOBACCO FLAVOR BAN BILL

I. Introduction

My name is Dr. Michael Madden, and I have been a family physician for 39 years. I write in opposition to the portion of LD 1693 that would ban the sale of flavored tobacco products in Maine. I urge you to take a common-sense approach to tobacco control efforts in this State that address not only youth use of vapor and other tobacco products, but also the great potential e-cigarettes and other alternative nicotine products offer for helping adult smokers in Maine move away from the riskiest form of tobacco: cigarettes.

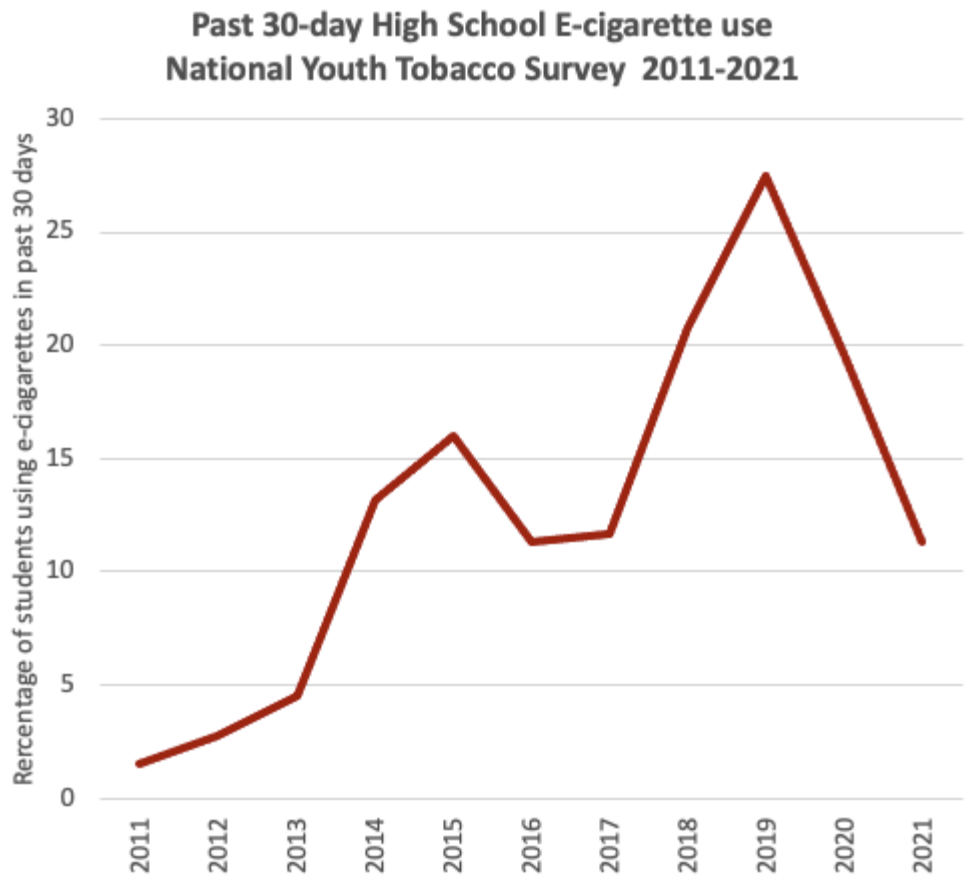
While RAI Services Company (Reynolds) has compensated me for my time in preparing this testimony, the opinions expressed are my own.

I agree with the CDC, the FDA, and, I am sure, all of you: youth should not vape or use tobacco products of any kind, especially combustible cigarettes. And as a doctor whose mother died of smoking-related causes, I also am committed to tobacco harm reduction for adult smokers unable or unwilling to quit.

II. Youth Use of Vapor Products Has Dropped Significantly

The last two years have seen efforts in state and local governments across the country to ban all flavors in e-cigarettes and even to ban all flavored tobacco products. These bans – some implemented and many others wisely turned back – are grounded in efforts to combat youth vaping, while generally ignoring their implications for adult smokers.

But it is important for you to be aware, before you take this step toward decreasing adult smokers' access to a variety of tobacco and nicotine products that may encourage them to move away from combustible tobacco or quitting altogether, that there has been good news in both [2020](#) and [2021](#) about youth use of e-cigarettes: the truth is, it has declined dramatically.



As the graph above shows, the CDC's National Youth Tobacco Survey data suggest youth experimentation with vaping peaked in 2019 and has declined in each of the last two years – perhaps by as much as 60 percent. In 2021, in fact, just 11.3 percent of teens reported having used an e-cigarette even once in the prior 30 days.

While the CDC does quibble some with its own data collection methods (students who responded to the NYTS questionnaire in 2019 and 2020 responded to the questionnaire on paper and in school, while students who responded to the questionnaire in 2021 responded on a computer and in whatever educational setting the pandemic permitted them: some at home, some at school) and suggest that comparison should not be made across the recent years' data collection, the data point strongly to a decrease in youth use of vapor products. The 2021 data simply are not consistent with an ongoing and increasing youth vaping epidemic in the United States.

III. Flavored Tobacco Bans May Increase Youth Smoking

And while responding to increased youth use of vapor products by raising the age of sale of these products to those age 21 and older is smart, taking action to ban the sale of flavored tobacco products

may actually reap a consequence you certainly do not intend: increased youth cigarette smoking.

In a study published in May 2021 in [JAMA Pediatrics](#), Dr. Abigail Friedman of Yale University School of Public Health reported that San Francisco's 2018 ban on the sale of all flavored tobacco products "was associated with more than doubled odds of recent smoking among underage high school students" when compared to youth smoking rates in other school districts. While youth smoking continued its consistent national decline between 2018 and 2020, after the flavor ban was implemented in San Francisco youth smoking rose by 30 percent.

Today youth cigarette usage [sits](#) at a historic low of 4.6 percent, declining by more than 40 percent in the past two years alone. Youth experimentation with vaping has *not* increased youth smoking.

IV. Flavor Bans Limit Adult Smokers' Access to Products that May Save Lives

The consequences for thousands of today's adult smokers are severe. Researchers from Georgetown University have [predicted](#), e-cigarettes could prevent 1.8 million premature smoking deaths. In an article published last summer in the American Journal of Public Health, 15 past presidents of the Society for Research on Nicotine and Tobacco urge us to follow the science on tobacco harm reduction.

Nicotine vapor devices [have shown](#) incredible promise as support for cigarette smoking cessation, with one recent study demonstrating that smokers who used e-cigarettes to quit smoking were nearly twice as successful as those who used nicotine replacement therapies (patch, gum) or simply went "cold turkey."

And a study published in December 2021 in the Journal of the American Medical Association reported that [eight times](#) as many smokers who used e-cigarettes daily had quit smoking at the end of the study period than smokers who did not use e-cigarettes. This result is even more astounding given that the population of smokers who were studied had no intention to quit smoking when the study began.

The truth is that e-cigarettes and other vapor products are significantly safer than combustible cigarettes. Scientists continue to generate data confirming that fact. While nicotine undoubtedly is addictive, it is not exposure to nicotine that makes cigarette smoking so dangerous. Consider that Nicotine Replacement Products are approved to be sold Over the Counter! Vapor products, traditional smokeless tobacco, snus, and alternative nicotine products all avoid the burning of tobacco that leads to smokers' increased risk for disease and death.

And, more pointedly, a move to ban the sale of all flavored tobacco products here would run counter to the FDA's evidence-based, science-driven evaluation of tobacco products that offer benefit to the public health as a whole. To date, more than half of the tobacco products to

which the [FDA](#) has granted authorization for marketing as “modified-risk tobacco products” are flavored (mint/menthol) products. A list of these products can be found on the FDA’s website. Half of these authorized products are either menthol or mint flavored.

The FDA has determined—through a complete and rigorous review of all the relevant science—that these products are “appropriate for the protection of the public health” (FDA Language). Yet under this proposed legislation, these products would no longer be accessible to adult smokers in Hawai’i.

Accessibility and acceptability (through flavors, cost, or other means) of alternative, safer tobacco products are key to tobacco harm reduction. Public health policy has resulted in today’s historic lows in both youth and adult cigarette smoking. But flavored tobacco and vapor product bans threaten our progress. Now is the time for an open-minded and science-based discussion on cigarette-smoking harm reduction with the health of all Americans as its goal: adults and children alike.