



February 9, 2022

**Testimony on Maine's LD 1693 — “An Act to Advance Health Equity, Improve the Well-being of All Maine People and Create a Health Trust”**

Dear Chairs and Members of the Health and Human Services Committee,

My name is Yaël Ossowski and I am the deputy director of the consumer advocacy group Consumer Choice Center, based in Washington, D.C.

I was born not more than 200 miles from Augusta in the Canadian province of Québec, so it is an honor to represent the views of our organization to your committee.

While we believe health equity is a noble and important goal for public policymakers, and there are various virtuous aspects of the Fund for a Healthy Maine, Part D of the legislation, pertaining to the ban on flavored vaping products, goes much too far and would end up harming more residents in Maine than helping them. We are opposed to the bill for this reason.

In 2020, 16.5% of Maine residents were smokers, higher than the national average. That [represents](#) 181,100 family members, friends, and community members. Close to 30% of all cancer deaths in Maine have been attributed to smoking: that's 2,400 Mainers a year.

However, a growing proportion of Maine residents, now up to 3% have reported using nicotine vaping devices in the last year.

These are devices and products that have been created and sold by entrepreneurs to solve a problem: that of combustible cigarettes and their byproducts.

According to the latest science, and health bodies in the United Kingdom, New Zealand, and Canada, we know that using flavored nicotine devices is 95% less harmful than smoking. Adults who are former smokers have been switching *en masse* to this new and innovative technology because it can deliver the same effects of nicotine without the harm of tobacco smoke. And flavors are integral to making this switch.

16.5% of Mainers smoking in 2020 is significantly down from the levels seen just a decade ago, which were close to a quarter of the population.

However, it would be a fatal conceit to claim that the reduction in adult smoking has come from public campaigns, health groups, bans, restrictions, or tax hikes alone.

Entrepreneurs, consumers, and vape shop owners, mostly former smokers, know this.

The relationship of adult vapers to their preferred vape retailers is an important and vital part not just of a healthier and more beneficial switch, but also of significant economic importance.



That includes the Empire Vape Shop with 3 locations in Augusta, Waterville, and Bangor, or the Vapor Room with locations in Lewiston, Gardiner, and Winslow. These stores, along with dozens of others, employ hundreds of people and help convert thousands of former smokers into vapers. Having the consumer choice to find the exact flavor that fits their profile, is vital to that.

Each of us as consumers has unique taste preferences when it comes to food and drinks. That that should somehow not apply in the case of flavored vaping products is not logical. Flavors matter. And health reduction matters.

Nicotine itself is not the enemy. And we must acknowledge that. Adults have become addicted, and we must shepherd them to less harmful alternatives. These vaping devices are saving millions of lives around the globe and year. And that begins here in Augusta, in Bangor, and in Portland.

The question of kids using these devices is often a concern, and we agree. In line with federal law, the age of purchase should be 21, and there should be severe penalties for those who sell products to minors.

But relegating vaping devices to the black market, where there are no checks for ID, and no concern for safety or regulations would be an even more dangerous path. We know this from the thousands of lung injuries in 2019, which the CDC has [admitted](#) were caused primarily, if not exclusively, by illicit cannabis vaping cartridges laced with Vitamin E Acetate.

We also know this from the broader cannabis market. I cheer the residents of Maine for voting to legalize and regulate cannabis, and for giving us a path to a safer and more just future for those who use these products.

Banning products will not make them go away. It will only create incentives for black markets to offer them to adult or high school students alike. We prefer a regulated and safe market with adequate checks and administration, and I believe this committee would agree.

We must acknowledge that responsible adult consumers must have a choice and should not have to face the prospect of flavored vaping products simply being banned from their state, lest they be pushed to return to combustible tobacco. Our policies must be fair, just, and based on scientific evidence.

Thank you for your time.

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