Brian Heuer

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11th of February 2020

Delegate Seth Howard 159 House Office Building 6 Bladen Street Annapolis, MD 21401

Dear Seth Howard,

I am writing testimony in <u>opposition</u> to HB3. When I was sixteen years old I first started smoking. It was easy to find a local gas station with an attendant that did not check ID. After stopping and starting over my teenage years I then went to a full time smoker at the age of twenty-one years old. That habit quickly grew to smoking a pack a day and often to two packs a day on the weekends. During these years I noticed a shortness and breath and chest pains that had not been present before.

After consulting with my doctor he asked me how much I smoked at the time and if I needed medical help quitting. We then went into a discussion of great length as the health harm that traditional tobacco products have. However when I brought up switching to a vaporizer he advised me to make an immediate switch. He then explained to me the lack of health concerns from any vaping product. Nicotine has little to no impact on the average healthy adult's physiology. He also explained which chemicals were used to carry the nicotine and how they were commonly used in medical inhalers. Often he said that they would get people to switch their addiction to nicotine gum which is not flavored as tobacco as you might well know. In order to mitigate the extreme health hazards associated with traditional tobacco products. The alternative flavors were key in ending my addiction to the cigarette. It not only allowed me to cease on the day I bought my first vaporizer but it has allowed me to not smoke a cigarette or any other traditional tobacco product since. Within one month my lung function had returned to healthy levels and the chest pains had gone away.

I recently was able to get my beloved Uncle who has smoked since he was eighteen years old until his early sixties the ability to finally give up cigarettes all together. The one thing that finally got him to give up his life long habit was the alternative flavored nicotine replacement products.

HB3 is nothing more than another push by big tobacco to draw clients back into its traditional tobacco products by reigniting the cognitive association with tobacco flavor to the chemicals found beyond nicotine in their products. To date not one of the independent "Vape" shops in Maryland has been fined or even suspected to be selling to underage minors. The problem lies within the prevalence of cigarettes being sold in every major national chain of gas and service stations that are on every corner of our states roadways. Where often children stop on their way to or from school. In which the cigarettes and associated products are front and center where every child can see them along with all of the candy and snacks that are under and around the counter. Yet not one argument is made to remove them from such easily accessible locations. Instead they try to blame the flavors or the marketing. HB3 is a bill squarely aimed at forcing people with an addiction to return to the more harmful method of delivery. While hiding behind the guise of child safety.

If cigarettes were removed from every street corner and moved into specialty shops where the due diligence is paramount to a small business' survival it would accomplish far more than HB3 ever could. Yet not one lobby group would support it due to it limiting the companies they represent revenues despite it being the most effective means to reduce a teenagers ability to purchase nicotine based products. Yet to this day alcoholic beverages are not allowed to be sold outside of purposed and licensed stores.

Recently in national news we have seen what happens to citizens when they are forced to turn to the black market. Several deaths occurred by obtaining black market THC cartridges across states that have yet to legalize and regulate THC products. Passing HB3 would either force people like myself and my uncle to turn to these less safe alternatives or go back to tobacco based products.

In America we often say we are The Land of the Free. Yet here in 2020 the Maryland state legislature is considering a bill that would limit the freedom of its citizens to choose what they can and can not willingly put into their bodies. While shifting the blame from ease of access granted long ago to big tobacco and pushing it to alternative flavors in nicotine based products. With the backing of health advocates that will present conjecture and studies funded in part or largely by big tobacco in order to scare monger parents into thinking the problem lies within the market or the product instead of with their parenting. Which is counter to what local healthcare providers are advising their patients. I hope the Maryland legislature does the right thing and protects our local businesses that have complied with every regulation and law set before them and delivered a vital service to local Marylanders and strikes down HB3.

Sincerely,

Brian Heuer

To whom it may concern:

I'm writing to inform you as a Maryland tax payer, voter and small business owner, that I strongly oppose bill SB233. This would destroy my business that I invested my life savings into only 1 year ago. It will cause nearly all vape related small businesses like mine to shut down. I have several employees that will be jobless along with myself and my business partners. I also have a 12 year old daughter that depends on the income from my business. We are not big tobacco. We are not Juul. We are a Maryland small business that helps people quit smoking cigarettes: the cause of 480,000 deaths each year (which are sold in every corner store in the country).

I smoked cigarettes for over 20 years and was finally able to quit with cotton candy flavored e-liquid (after unsuccessfully trying Chantix, the patch and Nicorette gum). Adults need flavors to transition from deadly combustible cigarettes. Only allowing a menthol or tobacco flavor would severely damage the ability to not only quit smoking but to *stay* smoke-free. Fruit, dessert and candy flavors are necessary to make cigarettes taste awful in comparison. My health has drastically improved since converting to the *proven* less harmful alternative.

Please amend the bill to make it palatable for small businesses or vote against it. Or perhaps you can make vape shops exempt from a flavor ban. In recent years, there have been no vape shops in Maryland fined for selling to underage teens. In our shop, we have age verification. Perhaps making that mandatory would be a good option. And harsher punishments for selling to underage teenagers.

Please don't remove our freedom of choice. Prohibition should not even be an option.

Thank you,

Jessika Whitlock

Class 5 Vapors White Marsh, MD (manager) North East, MD (owner) I am 25 years old currently employed at Northside Vape in Salisbury, Maryland which is owned by my fiancé, & further brother in law, which is also how we met.

We are all prior smokers, and turned to vaping as a healthier alternative to kick cigarettes many years ago. The business has been highly successful for four years, and I speak for all of us when I say the most rewarding part of job is helping people switch from cigarettes to vaping. Hearing things like, "Nothing else work" ... "I wish I knew about this sooner" ...

... "I experienced suicidal thoughts, and night terrors on Chantix I never thought I would be able to quit" "I am so happy my kids won't be affected by second hand smoke"... "I can actually breathe & taste my food again" ... the list goes on, all in which never get old when heard.

My fiancé & his brother are both vaping enthusiasts who spent every penny they hard to own open their own local business & to help people quit their cigarette addiction just as they did.

If this bill passes all 3 of us will be out of work, and they will surely lose their business they have worked so hard to maintain.

What hurts more is knowing that all the people we helped throughout the years are going to go back to smoking & their relationships as their health is going to deplete. As we have been warning people to advocate, and for what come the emotion we have seen from our customers is just so heartbreaking.

We are willing to comply & conform to any regulations, but please do not take away our jobs, our hobby, our healthier alternative for our nicotine addictions.

These products are strictly for adults over 21, and not to be meant for kids... please do not punish the millions of responsible adults because irresponsible parents, and children do not obey the laws like we do. Punish the bad apples- do not destroy the whole batch. Maryland is not on an island- we will just travel to other states to supply them with the taxes implemented.. it will be Prohibition over again & there will be Black Market E-juice causing legitimate issues. Multimillion dollar industry - millions of Americans who vape - do not shut down this industry.

We Vape We Vote- Please save the favors. Thank you - Leah Wallace

Gina Disbrow 905 Bayside Dr Stevensville MD 21666

I was a smoker for almost 15 years. I tried everything possible to quit and just couldn't kick the habit.

I was skeptical about vaping. Didn't think it would work for me and thought it was just another habit I'd have to kick.

I tried multiple oringal tobacco flavors and they made my cravings for a cigarette WORSE! Before totally giving up I decided to try some flavor liquids...AND IT WORKED!

I am four years cigarette free all from strawberry, watermelon and the occasional vanilla blend! I've never felt better! I was constantly tired, winded and sick of smelling like smoke.

I can honestly say I am a healthier person because of flavor liquids and I am a HAPPIER person because of flavor liquids.

I hope others can participate in my success by not banning flavored liquids

Isaiah M Windham 1009 Big Baer Drive Glen Burnie MD 21061 (443)-694-1347

My name is Isaiah Windham, I'm 24 years old and from Baltimore Maryland. From the age of 16 I started smoking cigarettes. I started doing it out of pure influence and being that I grew up with people who smoked, my habit and the amount that I smoked only increased with time. By the time I was 18 years old I was smoking about a pack a day and it was like second nature to me. Over time, I noticed that smoking was affecting me in negative ways, such affects grew worse and worse over time and eventually it had gotten to the point where I could barely walk around my own house without getting gassed. Smoking cigarettes had affected various aspects of my health such as my ability to breathe, my lack of breath when exerting myself in any physical manner and it had even begun to affect my teeth and my gums, my throat. About two years ago I had a major health scare. I was diagnosed with ARVD which is a rare heart disease and with that, my life changed drastically. I had been advised by all of my medical staff to quit smoking because the ingredients and affects from smoking did my body, specifically my heart, much more bad than good. Even after receiving this warning from my doctors, my family and my peers. I didn't quit. After about 3 months post-surgery I decided that I needed to quit. I tried everything possible to do so. I used the nicotine patch, I used nicotine chewing gum even invested my time and energy in hobbies or anything that would help get my mind off of wanting a cigarette. Nothing worked. One day i stumbled across a Vape shop called the "Vape Loft" where I met wonderful people and they educated me and guided me on what vaping was, it's affects and how it helped people quit cigarettes. I was so desperate to try anything that even while being on reserve about vaping, I tried it. I am now 24 years old and let me tell you it has CHANGED my life. I had heard so many bad things about vaping through commercials and the internet. Only to find out these companies that were attempting to scare people knew little to nothing about vaping and were either directly or indirectly affiliated with cigarette companies and it was all a push to further promote their products. Rather than truly educate anyone. I didn't my own research and reallzed that such information was not only often misleading, but majority of the time out right false. Not only had vaping helped me quit smoking cigarettes and remove my addiction to nicotine, I was even able to EASILY quit vaping as well. Vaping has changed my life and it changes the lives of many others in a constant basis. Had it not been for vaping I don't know where I'd be and I don't know where the state of my own health would have been. It's easy to say "just quit", it's easy to no understand the struggle one faces when trying to let go of something so addictive. But I can tell you that I needed the extra help. Vaping WAS that extra help and I will always be appreciative of what it did for me and does for countless others.

To whomever is listening to this I pray that you dig deep when deciding on whether or not you want to put forth any effort in preventing someone like myself the opportunity to kick their habit, improve their quality of life which then improves their mentality and desire to live! Vaping saves lives.

Jimmy Hendrix Jr. 114 Tennessee Road Stevensville, MD 21666

Hello, my name is Jimmy Hendrix Jr. and I was a smoker for 23 years, a vapor for 5 years, and currently do not use tobacco or vape products. I started cigarettes at the age of 13 but didn't care about the flavor it was just because I was surrounded by it from friends and family. When I quit smoking, I was at a 2 pack a day smoker and my health was not going in the best direction. I do believe flavored vapor saved my life because I currently do not smoke or vape anymore. When I started vaping in 2013, I used fruity and candy flavors that consisted of watermelons, sour apple candy, and fruity life saver flavors. I enjoyed all the different flavors I didn't have one flavor that I was committed to like with cigarettes. When I started vaping, I knew that this was it I didn't question the process I just went with it and as I did the health benefits started to happen. My breathing started to get better, the coughing didn't keep me up at night, and got my taste and smell back.

When I started vaping, I started at the highest level because of how many cigarettes I smoked and slowly over 3 years dropped my nicotine level to nothing at all. Over the years my children always asked me to quit smoking and I did try other methods such as Chantix and patches but neither did the trick. Honestly before I tried vaping, I really didn't think it would work until I tried it for the first time. It was the best decision I have ever made. I realized that I was never really addicted to the cigarette or the vape it was just a fidgety habit and needed something to do so dropping down on the nicotine was actually very easy. Once I got to no nicotine at all I found myself slowly not reaching for the vape anymore.

The different flavors really helped to keep me from the cigarettes I am so glad that I had those options. When I started vaping the industry was not that big and we didn't have that many flavors but over the years more and more were made. As more flavors became available my options were endless so that made the thought of a cigarette even farther away. If it wasn't for flavored vaping I would have continued to smoke.

If you ban flavored vapes you will be hurting many people who are like me that find this process easy and are able to use it to completely get off everything. An addiction is not a process you just quit and for some yeah but not for everyone we need a little assistance, and this was it. Flavored vape saved my life and should remain available within adult only stores where children do not have access to them. Now my children are proud of me because I am a smoke free dad who can enjoy the fun times with them. February 11, 2020 Joyce Disbrow 308 Tower Drive Stevensville, MD 21666

My name is Joyce Disbrow, I live in Queen Anne's County and I'm 59 years old. I have been asked to write you this letter regarding the flavor ban that you would like to impose on the vaping community.

I have been smoking since I was 13 years old. Like most kids my age back then you really didn't care if it was menthol or non-menthol, you took whatever your parents or friends parents had. The first cigarette I ever had made me cough my brains out and tasted nasty but got me a buzz. You would have thought I would never pick up another cigarette again after that, but you see I have what they call an addictive personality. As I got older, I did choose the type of cigarette's I liked, menthol was my choice.

After watching my father pass away from lung cancer and feeling like crap all the time, I decided to try and quit. I first started out with the nicotine patches that made me sick to my stomach and made my arm hurt, then I tried the gum... that was nasty, then I tried being hypnotize, all I could think of while sitting in the comfy couch was, is this over so I can go have a cigarette, needless to say, that didn't work either, then I tried Chantix. Chantix may have worked if I could have gotten past being sick to my stomach and the bad dreams I had. I had begun to tell myself that I was never going to quit smoking. I was told by a few heroin addicts and alcoholics that quitting smoking was harder than getting off heroin and alcoholic. After I thought that I would never give up smoking, someone introduced me to vaping. I thought what the heck I have tried everything under the sun, let's give it a whirl.

When I first started vaping, I thought I should get a juice that was a menthol flavor it would be similar to what I smoked. It was ok, but it didn't have that same flavor as my menthol cigarette's. I tried many menthol flavors at many different shops, but it just wasn't the same as my cigarette's. Then someone said try a flavored juice. The first thing I thought was how would a flavor juice help me. Why would I want to vape something like Crème Brulee or Strawberry Shortcake how was this going to help? So, I took their advice and bought a vanilla flavored juice (I didn't want to go to crazy). Well lord and behold it worked. I started vaping that vanilla flavored juice and didn't go back to smoking. Over the years I have tried a lot of different flavors and have enjoyed them. I have had people tell me that whatever I was vaping at the time smelled really good, better then stinking old cigarettes. Honestly, if all I could vape was a menthol flavor, I don't think I would have stopped smoking.

I have to say, I'm sick and tired of hearing about how vaping has caused all these respiratory issue's in teenagers that have been vaping. First off, I have been vaping for 5 years and my doctor tells me my lungs sound fine from vaping, secondly, I have been told the teenagers that have gotten these respiratory issues are because they had gotten their juices from someone making it in their basement. They did not get their juice from a reputable Vape Shop, because a reputable vape shop will not allow anyone under the age of 21 to enter. The most ironic thing in the world is, you want to more or less get

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rid of vaping, but you have no problem accepting Medical Marijuana shops. Aren't you concerned that those same teenagers that vape a flavor will now get their hands-on Medical Marijuana, heck from what I understand they don't even have to smoke it anymore they can eat the stuff? How about all the different flavored beers and alcohol's aren't you concerned that those same teenagers will start drinking and become alcoholics because of a beer called Apple Orchard or drink liquor because they make a vanilla vodka? Well, I guess the little darlings can sit in their parent's basement and drink beer called Apple Orchard and pop some Marijuana gummies, but lord don't let them vape Crème Brulee.

Kyle Vega 953 Circle Drive Halethorpe MD 21227

Good Afternoon members of the committee,

My name is Kyle Vega. I am a 30-year-old small business owner in Maryland, with three vape stores. My stores have been open for a little over six years. Before opening, I was smoking combustible cigarettes, started at the age of 16. I tried everything to quit smoking, patches, gum, pills, etc. nothing worked. It wasn't until I discovered vaping, and more importantly, flavored e-liquid that I was able to give up combustible cigarettes.

Aside from that, today, I am here to ask you to accept the amendment that the Maryland Vapor Alliance (MVA) has proposed. This bill, as written, will surely close my three stores. 90% + of my e-liquid sales are flavored e-liquid. Grown adults are vaping flavors, and that is what they prefer. Closing my doors would mean my employees, who count on me, will be out of a job, with no income and bills still needing to be paid. I will be liable for the remaining lease balances for my 3 locations, on top of losing my own financial income.

If this bill stays as written, it will cause 1 of 3 things to happen, if not all at once.

- 1. The responsible business owners (vape stores) will be forced to close their doors.
- 2. A black market will emerge as consumers search for flavored e-liquid.
- 3. Many will go back to smoking combustible cigarettes, the top preventable cause of death in the U.S.

In my first point, I said responsible business owners when speaking about vape store owners. I say this because in Maryland, since August 8th, 2016, when the FDA announced it would begin regulation of the e-cigarette market. There has not been a single, strictly vape store that has been in violation of selling products to a minor. So, where are minors getting their products from? The answer, convivence stores, gas stations, generic tobacco stores, etc. In the same time frame, there have been 234 inspection violations from these types of stores, according to the FDA compliance website (U.S. Food & Drug, 2020). Banning e-liquid flavors will only force e-cigarette products to be sold in the more accessible c-stores, because the responsible businesses, vape stores, will be out of business. The same products that we know kids are using Juul will remain available at the places that we know, from data are selling to minors.

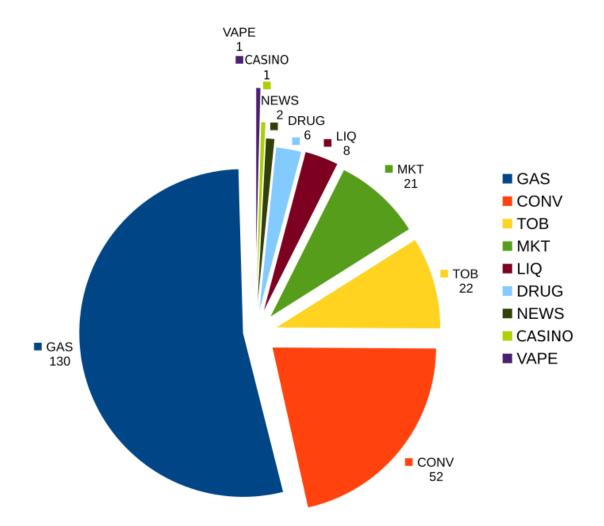
In closing, I would like you to know what the members of the Maryland Vaper Alliance, the stores we represent, and myself stand for. We are ex-smokers, who started small businesses in or near the same areas we grew up in, with a passion for helping others find a healthier alternative to combustible cigarettes. We sell e-cigarette products exclusively. Our target market is not the youth, and we do not sell Juul or any other big tobacco product that you will find in a c-store. The proof is in the data, again 0 violations of selling products to minors by Maryland vape stores. We care about our customers because we have been in their position before. We want to help current combustible cigarette smokers live long enough to see their children, grandchildren, nieces, nephews, etc. grow by moving them away from combustible cigarettes. Please do not

take away the rights of grown adults to have the products they want. Consider the amendment put in place by the Maryland Vapor Alliance. Thank you for your time.

References:

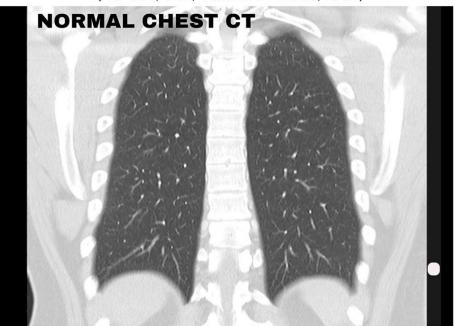
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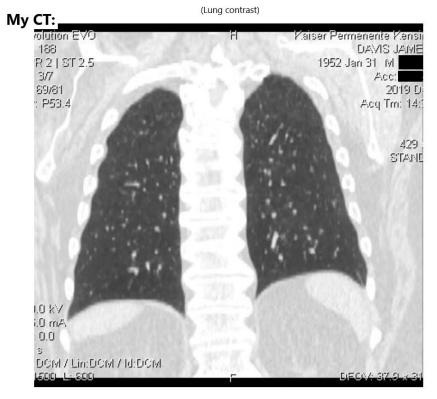
FDA Citations for Sales To Minors of E-Cigarettes By Store Type - Maryland 2016-2019



My Testimony: James Davis Silver Spring, MD 20904

68 y.o. Male, 47 year smoker, 8 year flavored nicotine vaper (NO THC, CBD, Vitamin E Acetate, EVER)





The ONLY holistic & un-biased science I trust witrh my health: NASEM, Public Health England, Royal College of Physicians, Cochrane Review

Constraining, limiting, adult use of e-cigarettes will only shorten adult lives. Regressively taxing those seeking better health only creates more hardship.

The will of God is my ultimate authority.

I WILL remain healthy.

I will NOT abide by unjust governent.

James Davis

Dear legislative members,

My name is Stephen Sard, I am a voting resident of Easton, Maryland. I am writing to you today as a consumer to voice my opposition to SB233.

I am 42 years old and began smoking when I was 15 (election day Bill Clinton's first term) I smoked combustible cigarettes for over 22 years. My kids begged me to quit, my wife begged me to quit, and everyone I knew begged me to quit. I tried so hard to quit for them. I tried patches several times, gums, inhalers, hypnosis, and acupuncture. I refused medication, as did my doctor, due to the nasty side-effects they cause. I had given up and made peace with the fact that I would one day die of cancer and that my kids, my wife, my family would have to see me in such a state. It broke my heart. I had always derided vaping. I made fun of vapers, called them names, and told them to "be a man and smoke a real cigarette." I wish I could take those words back.

Finally I decided to try vaping, in secret, to see if it would help. I first used them at work, or out and about. I noticed that I wasn't having cravings like I did with other methods. So I decided for three days straight I would do nothing but vape. To my shock, it worked. I vaped for about 3 months until the store I got them from stopped carrying them (this was 2012). I went back to smoking. I did this off and on for a few years until in 2016 I walked into a vape shop that had just popped up. I walked out with a new device and some Pineapple Mango Dragon Fruit e-liquid. I never smoked again. I literally walked away and never turned back. Over the last few years I have reduced my nicotine levels at a pace that was just right for me. I have been very successful. I can taste the food I eat, I can breathe, I can enjoy life. I no longer have to pause movie night with my wife every hour so I can go outside to smoke, only to return and have her avoid me because I smell horrible. My mental health has improved so much. I no longer feel isolated, or afraid people will smell the smoke and not wish to talk. I am so much happier. I have tried tobacco liquid in the past and I didn't care that much for it. Early on, it made me crave a cigarette. Had it not been for my Pineapple Mango, I would have easily gone back to smoking. That flavor allowed me to dissociate from tobacco. I didn't smell it or taste it, so I didn't crave it. Vaping has added so much to my life and now I have the desire to help others feel as amazing as I do because now there is a light at the end of the tunnel that actually works! If you were to ban these life-saving flavors, it would force many of us back to smoking. Think about it. Would you give a non-alcoholic beer to a recovering alcoholic? Of course you wouldn't. The taste and smell could cause a relapse. Why would you do this to adult smokers? Smoking kills over 480k people in this country every year. In the time you have taken to read my comments, 3 people have died of a smoking related illness. This has to stop! Smokers, on our own and not big tobacco or pharma found a solution. You seek to destroy all these years of hard work by consumers and industry persons alike.

I urge you to consider my children when drafting nicotine vaping regulations. My kids deserve to have me around as long as possible. If you remove flavors, I could relapse because I am forced to use tobacco tasting flavors. I am so proud of my success. I have never vaped a Juul and it's crazy high nicotine levels. While some smokers may find such high levels needed to quit, it was not necessary. If I am forced to only use a Juul (they will be the only ones left because they

have the cash) because flavor prohibition closes the vape shops that have been so vital to my success, I will be forced from 1mg/ml of nicotine all the way to 35mg/ml of nicotine, which is the smallest strength Juul offers. No one can quit smoking AND vaping at those crazy levels. I can get smaller doses of nicotine from vape shops that are adult-only and card every person who walks in the door.

No one wants to see youth using a product that was created by smokers to help them quit. But a study published in January of this year, 2020 from Nicotine and Tobacco Research (A) found that the reality is, youth use is not as prevalent as tobacco control groups would have you believe. These numbers were used to cause alarm in the public over the deaths and illnesses they incorrectly attributed to nicotine vaping products. But as the CDC and FDA have discovered, these illnesses and deaths are attributed to illegal thc products that are cut with an oil (nicotine vaping is water soluble and uses no oil) called vitamin E acetate (B). This burden should not fall on legal vaping shops who, as a consumer, I use quite often. Add to this the recent move to tobacco 21, and youth use should no longer be a regulatory issue, but rather an enforcement and parenting issues, just like alcohol. Vape shops in Maryland did not receive one single citation for selling to underage persons during the latest operations. The majority of those citations were from convenience stores and not adult-only vape shops. Enforce age restriction laws! Encourage schools to report incidents of vaping in schools to parents and law-enforcement.

Do not punish adults for adolescent curiosity which according to the FDA is the main reason for youth use. Infact flavors ranked number three under curiosity and because the youth saw someone use the product. 77% of youth reported to the FDA via the recent tobacco survey, that flavors were not the reason they tried vaping products (22%).

As a consumer, not connected or affiliated in any way to the vaping industry, I urge you to oppose a prohibition on flavored vaping products for adults. I do support selling flavored products in adult only establishments that require identification in order to enter. This is a great way to curb youth use and brings accountability to the industry. I do not feel this can be achieved outside an adult establishment. It is a fair compromise to allow adult smokers access to live saving tobacco harm reduction products. Thank you for your time.

Stephen Sard Registered Independent Voter and consumer 311 Choptank Ave. Easton, MD 21601 410-463-2971 stephensard@gmail.com

Travis Johnson 509 Burning Tree Dr Arnold, MD 21012

My name is Travis Johnson, I am 34 years old, and I have been vaping flavored nicotine products for the past six years. I started vaping to help me quit smoking cigarettes, which I had been using for nearly 12 years; and almost instantly, I no longer craved a cigarette. Now, my representatives here at the Maryland General Assembly want to take my right to purchase such products away. It's a ridiculous notion to think that such measures will have any meaningful effect to reduce underage nicotine use. All that you will accomplish is that you will, without question, a black market for these products. Furthermore, since there are no penalties for underage possession of nicotine products, this law will especially not keep these products out of the hands of underage users. Time and time again, prohibition has been shown to not work. It does not prevent illicit drug use and it will not reduce nicotine use either. These products should only be available through dedicated 21 and over shops and there should be civil citations to penalize underage possession. Punishing legal consenting adults will not reduce underage use, especially when there are no negative repercussions for those whom acquire these products illegally. Ban non-wholesale online sales, allow dedicated 21 and over shops to retail flavor nicotine products to ADULTS only, and impose civil citations on those whom acquire these forms of products under the age.