

## Walker Enterprises LLC

DBA/MaddCatt Vapors  
200 S. George Street  
Cumberland, MD 21502

February 13, 2020

Re: Opposition to Senate Bill 233

Dear Madam Chair and Fellow Committee Members:

My name is Penny Walker and I am a former smoker and current owner of two full-service awarding winning vape shops in Cumberland and Hagerstown, Maryland. I employ a total of twenty-five people, pay a living wage, and my company bears 80% of the cost of health insurance for all employees.

As a smoker since I was 14 years of age, I had tried everything to quit. I was unsuccessful with gums, patches, straws, Chantix, and a prescription nicotine delivery system. I was suffering from early fibrosis of my left lower lung, so my addition to cigarettes was becoming a matter of life or death. Finally, on December 6, 2011, I was able to successfully quit smoking by using an electronic cigarette and a raspberry flavor. Through the miracle of vaping, I was successful on my very first attempt. At the age of 41, I had finally quit, and have not gone back since.

I was so excited about this transformative technology that I opened a vape shop in 2012. Due to the large number of customers traveling from neighboring Washington County, I opened a second vape shop there in 2014. I applied my love of cooking to e-liquid, developing flavors/recipes that have helped countless others to quit smoking. Over the past seven years, I have built and run both vape shops while working full-time at Maryland Legal Aid, a non-profit public interest law firm.

Every single person who smokes wants to quit! Banning flavors will simply make people go back to smoking. I know this because this is what my customers tell me. At the same time, a flavor ban will destroy legitimate and tightly regulated small business vape shops for whom flavors represent up to 95% of their business. When these compliant vape shops close their doors, a black market is guaranteed to thrive. Between the black market and the folks who will resume smoking, such ill-conceived legislation is setting up a public health disaster.

I could recite numbers and studies, but I think a more practical and interesting approach is to simply share my observations, based on helping thousands of members of my community transfer their deadly smoking habit to a much safer alternative.

1. People do come in thinking they want a vape flavor to taste just like their favorite cigarette. But after they quit smoking, and usually within a week to ten days, their taste buds return, and they realize how bad the flavor actually is, and more often than not, they quickly switch to something more appealing, like a fruit or desert flavor. Very quickly, flavors become the main attraction, and it is the availability of these flavors that keeps them from going back to cigarettes and that awful tobacco taste. Flavors comprise over 90% of our e-liquid sales, and 100% of our sales are to adults.

2. People find it very difficult to quit smoking and we have been working on this since the 1970's. We all know someone who, despite being very ill, has smoked right up until the day they passed away or were hospitalized. Smoking is a serious addiction. If we had a treatment for opioids that was anywhere near as successful as vaping is for smokers, we would all celebrate wildly. Still, smoking kills far more people than opioids; just slower.
3. All adults like flavors. I like flavors. All of you like flavors. I have a 70-year old man who will never quit vaping, but because of vaping, he doesn't smoke anymore. His favorite flavor is root beer barrel. It reminds him of when he was a small child, and this association finally broke his 60-year addiction to combustible cigarettes when nothing else did. He started smoking when he was 9 years old. We have flavored alcohol and flavored energy drinks, which children have died from, so it seems more than a little crazy to the adult vaper that their elected representatives are trying to ban much less harmful flavored nicotine products from adults, products that have proven to help them deal with a deadly addiction. It is simply undeniable that flavors keep our customers interested and involved in the recovery journey away from their deadly smoking habit.
4. The vaping industry has managed to reduce smoking rates without spending one dollar of taxpayer money. This industry is self-taught, possesses specialized knowledge and technical skills to guide consumers through the difficult journey of transitioning to a harm reduction product. These experts also see customers week-to-week to advise and consult, which ensures far more successful transitions. How much taxpayer money has been dedicated to this goal over the last 20-30 years? Just think about that. Vaping is a disruptive technology that is more effective than any other solution ever invented. Again, if we had a solution this effective to the opioid addiction, or the alcohol problem in this country, just envision how huge a victory that would that be? And would we try to ban it? Perhaps the vaping industry should be getting a tax credit/subsidy instead of being threatened with industry crushing taxes. We are not big tobacco.
5. In my community, local pediatricians send young parents who smoke to a vape shop. While smoking is banned in many public places, adults are smoking in cars and homes. Children are suffering 2<sup>nd</sup> and even 3<sup>rd</sup> hand smoke. Many people who live in apartments with multiple units are exposing others to 2<sup>nd</sup> and 3<sup>rd</sup> hand smoke through duct systems. Every adult who quits smoking in a community with flavored e-liquids is a reduction in the exposures to 2<sup>nd</sup> and 3<sup>rd</sup> hand smoke to children and other people. We should all want that. I have had both of these situations in my business.

In closing, I would like to make this committee aware that we are registered with the FDA. My registration was over 20,000 pages and both of my stores are visited by the FDA. We do a bi-annual update with the FDA. Additionally, I would like to encourage every single one of you to visit the vape shops in your district. Speak to people when you are out in your community and ask them questions. Most people are really happy to share because they are thrilled to finally be free from combustible tobacco. We can protect our children and allow adults to access to these life-saving products at the same time.

Respectfully,

Penny Walker