

VAPING AWARENESS PUBLIC EDUCATION SOCIETY

SPEARHEADING THE FIGHT TO BREAK CIGARETTE ADDICTION



WWW.VAPESOCIETY.ORG

Scott Webber

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Written Testimony Regarding

SENATE BILL 177

IN OPPOSITION

WRITTEN ORAL TESTIMONY

SUPPORTING EXHIBITS

1. Adult Choice Options
2. Total Drug and Intoxication Deaths in Maryland Over Time [Zero from vaping]
3. Drug and Intoxication Deaths in Maryland by substance [Zero from vaping]
4. CDC Maryland Tobacco Fact Sheet [Zero negative elements from vaping]

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Esteemed members of the Senate Finance Committee, and online guests...

My name is Scott Webber and I am the founder of the Vaping Awareness Public Education Society, a non-profit public health research organization dedicated to reducing cigarette smoking and the resultant cost in both dollars and lives.

I come before you today in vehement opposition to SB177 because I don't think you should pass bills that are going to lead to the death of thousands of Marylanders.

The VAPE Society asks you -- implores you -- to use science, data, facts, and reason in your legislation. When anti-vaping legislation -- such as SB177 -- makes less scientific sense than the former president's COVID science... we have a problem with that, because we believe in truth.

Let's start with some basics:

It is a simple truth that smoking remains that #1 cause of preventable death. Every year, almost a half a million people die in the US from smoking and smoking-related illness. In Maryland, that number is about 7500 deaths annually.

To put this into perspective, this is more than all COVID deaths, and 3 ½ times the number of deaths from opioids.

The number of deaths from vaping? The truth is not one single person – Statewide, Nationwide, or Worldwide has died from regular vaping – EVER.

It is also true that vaping is the most effective technology ever developed to get smokers to reduce or quit smoking.

It is also an undeniable truth that with the increase in vaping, there has been a dramatic DECREASE in smoking, for both adults, AND youth.

The absurd and illogical idea that flavor bans for adult vaping are necessary in order “To protect the kids” has no basis in truth, fact, or reality, and would be as wise and effective as flavor bans on alcohol. The logic and wisdom are the same. If the only alcohol adults could legally purchase at a bar was Everclear – pure UNflavored alcohol – then fewer kids would drink and fewer kids would die. Right? NO!! That’s crazy!

But a flavor ban is not only nonsensical, it would be deadly.

The number of vapers who use flavored vaping liquid is 90-99%.

The number of vape shops that sell flavored vaping liquid is 100%.

No vape shop in Maryland can survive selling only tobacco flavored liquid, so this bill will effectively shut down 100% of all vape shops in the State.

While this is the unspoken goal of many who support such legislation, the unintended consequences are serious.

When faced with total flavor bans, vapers end up either buying bootleg flavors... mixing their own recipes... or returning to smoking.

Bootleg, blackmarket, and mix-your-own products are risky at best, and deadly at worst. Smoking is the #1 cause of preventable death.

Passing SB177 will be credited for one of these outcomes, leading to thousands of deaths.

Alternatively, you could pass smart legislation that would successfully migrate 100% of smokers to vaping, and save thousands of lives.

Flavors are NOT the problem, and a BAN on flavors, is not the solution.

I strongly request that the Committee issue an **UNFAVORABLE** report on SB177.

Most Sincerely,

~Scott Webber

SB177 Vaping Flavor Ban Hearing Jan 28, 2021

Chair Kelly and fellow members of the Senate Finance Committee:

My name is Scott Webber, proud MD citizen since 1986, currently living in Bethesda, Mont. County.

I am the Founder, along with my son, of the Vaping Awareness Public Education [V.A.P.E.] Society, a Non-Profit health policy research and political advocacy organization formed to address the scourge of smoking, focused on the benefits - and risks - of vaping.

On the topic of vaping, I do consider myself an expert. I likely know as much about vaping as anybody in the entire State. I tell you this, not to brag, but rather, to simply convey that I know what I am talking about because I have done my homework.

Accordingly, I can comfortably say SB177 will have VERY bad outcomes for the State and its citizens, both from a public health perspective, and certainly from a fiscal perspective. It is based on extremely bad science, is facially dishonest, will result in the closing of many dozens of small businesses, actually reducing State revenues by the multiple tens of millions of dollars, while simply moving vaping sales out-of-state, to the Internet, or most likely, to the black market.

This afternoon, I would like to impress upon you the absurdity of SB177 from the perspective of NON-vaper, but concerned father, and public health advocate and realist.

Teen Vaping is a lot like Teen Sex

Teen Vaping is a lot like Teen Drinking

What do they have in common? Teens should NOT be engaging in such activity... but they are. ... anyone who denies this basic truth is simply denying reality.

One way to deal with risky teenage behavior is to simply ignore it – that's not responsible.

Another approach is to just make stuff up, lie, distort facts, and try to impart as much fear and confusion into the general public as possible, figuring the ends justify the means. This is the tactic of the likes of Stanton Glantz, Tobacco Free Kids, and similar entities that are willing to spout out and perpetuate any distortion or outright falsehood in their overzealous quest to wipe out vaping as an alternative to smoking.

A third approach is to stick to logic, reason, statistics, and facts, because here, truth matters. Let me share a few common-sense facts about vaping:

By the laws of fundamental physics, Vaping is NOT smoking. They are entirely separate and distinct products, and to treat them with parity – as equals – is both dishonest and just wrong.

Vaping is indeed 95-99% safer than smoking because there is no combustion.

There is NO such thing as a ‘naturally flavored’ vaping liquid. So called ‘Tobacco Flavored’ flavors are flavors with very sophisticated flavor profiles.

Adults like flavors just as much as teens, because they are both human beings with identical taste buds.

Banning all vaping ‘flavors’ for adults, because teens like flavors, makes as much sense as banning all ‘flavors’ of alcohol “because teens have been shown to likewise enjoy flavors.”

And the solution is just as logical -- Ban ALL flavored alcohol, and leave the entire alcoholic beverage field to EveryClear. Because teens have been proven to prefer flavored alcohol, the entire teen drinking problem will simply disappear in the absence of flavors... Right?

The same logic applies to teen sex. Teenage pregnancy, including death, and sexually transmitted diseases are a serious problem. Following the same SB177 logic, if the State harshly taxes, overregulates, or simply bans all candy-colored condoms, and flavored lubricants, teens will simply stop having sex and the problems will disappear.

To anybody who actually understands vaping, SB177 is every bit as absurd. But if you REALLY understand vaping, you realize how dangerous and expensive legislation such as SB177 truly is, to the point of being deadly.

I would lastly point out per the Fiscal Note attached to last year's mirror bill [the fiscal note is not yet available by submission closing time for this year], that this ill-conceived flavor ban was projected to COST MD taxpayers between \$70 and \$184 MILLION PER YEAR in lost SALES TAX alone! Over the next decade, a flavor ban is likely to cost the State from \$700 Million to nearly \$2 BILLION.

But the actual cost over the next decade is going to be MUCH greater, because a flavor ban will wipe out almost all of the independent vape shops, eliminating many hundreds of millions of dollars in income taxes, employment taxes, real estate revenues, and all other associated revenues for about 200 businesses that will be destroyed as the result of a flavor ban on vaping products.

SB177 is a VERY destructive piece of legislation that will NOT achieve its intended outcome, will create a very dangerous black market, and will cost the State of Maryland BILLIONS of dollars that could otherwise be spent on other priority budget items, such as funding for the Kirwan Commission Blueprint, and the resultant return to combustible cigarettes would unquestionably lead to thousands of unnecessary deaths that could have been avoided by wisely steering smokers into vaping, and yes, by virtue of finding a pleasing, alluring flavor that keeps them from ever wanting to go back to tobacco.

Flavors are NOT the problem, and a BAN on flavors, is not the solution.

I strongly request that the Committee issue an **UNFAVORABLE** report on SB177.

Most Sincerely,

~Scott Webber

Banning Candy Colored Condoms will NOT Prevent Teens From Engaging In Teen Sex



But It Will Eliminate
Adult Choice

Banning Flavored Personal Lubricants will NOT Prevent Teens From Engaging In Teen Sex



But It Will Eliminate
Adult Choice

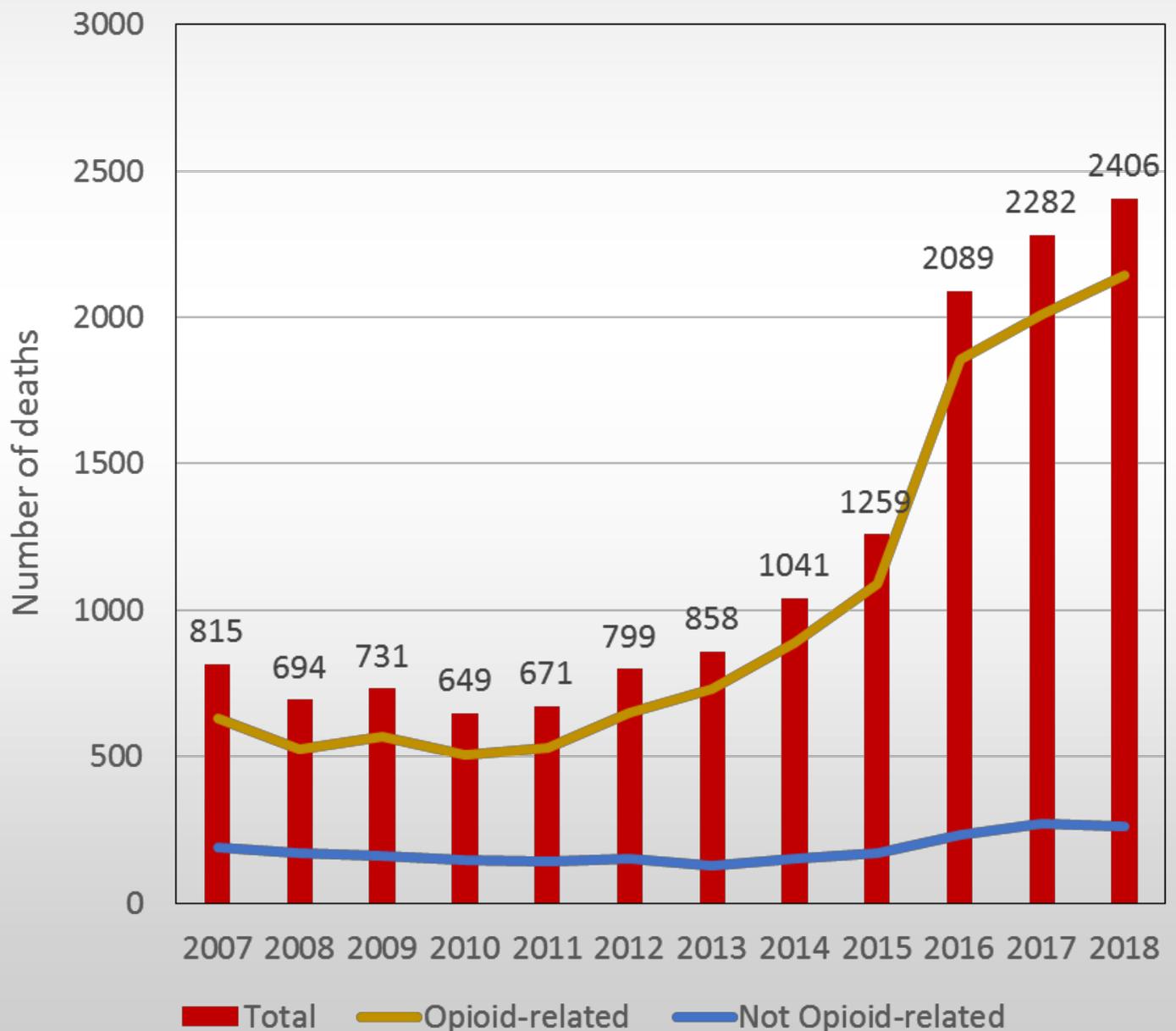
Banning Flavored Alcohol will NOT Prevent Teens From Engaging In Teen Drinking



But It Will Eliminate
Adult Choice

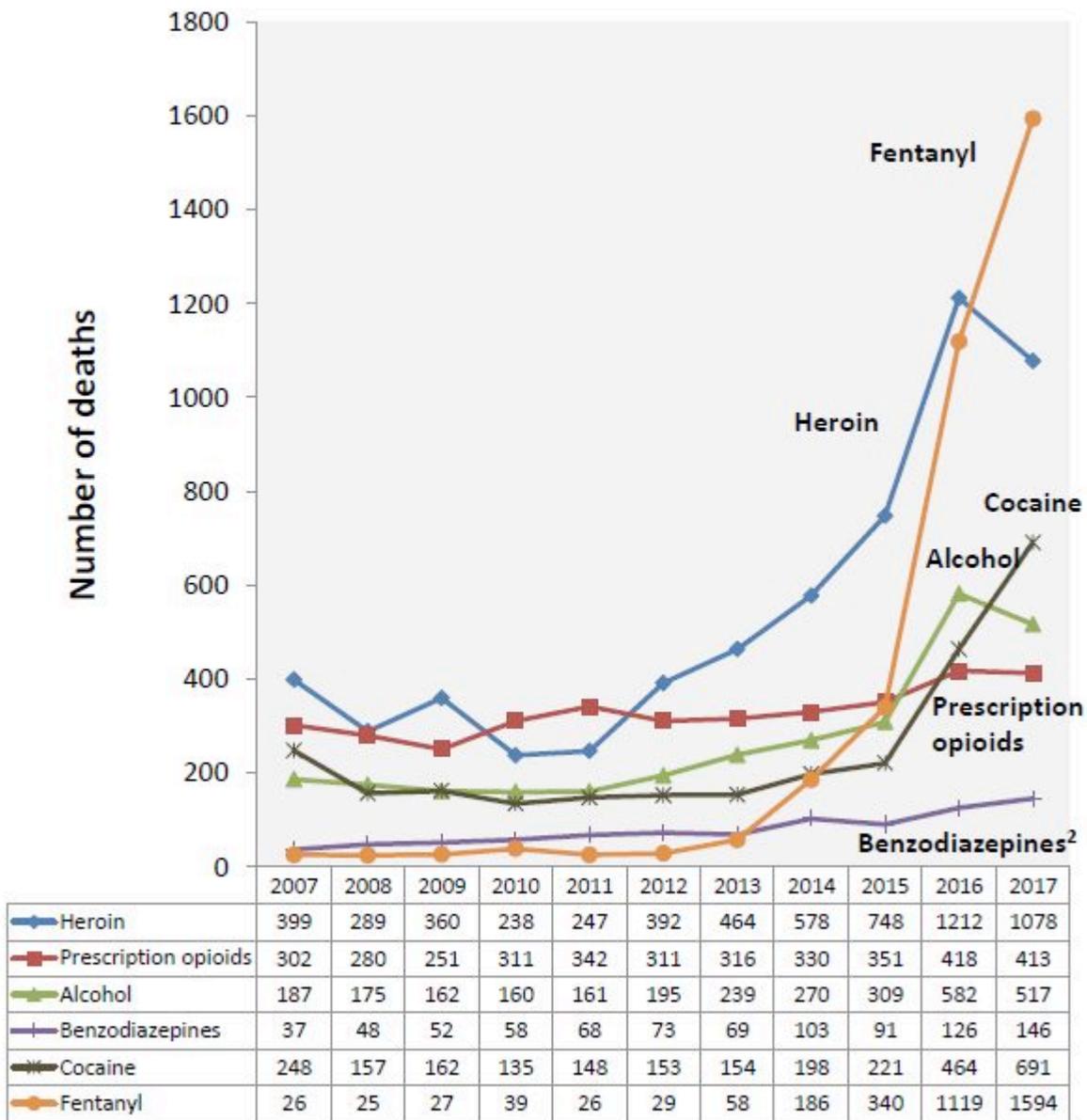


Unintentional Drug- and Alcohol-Related Intoxication Deaths in Maryland, 2018



Deaths Attributed To Vaping 2007-2017 = Zero [0]

Figure 5. Total Number of Drug- and Alcohol-Related Intoxication Deaths by Selected Substances¹, Maryland, 2007-2017.



¹Since an intoxication death may involve more than one substance, counts of deaths related to specific substances do not sum to the total number of deaths.

²Includes deaths caused by benzodiazepines and related drugs with similar sedative effects.

EXTINGUISHING THE TOBACCO EPIDEMIC *in* MARYLAND

THE PROBLEM

Cigarette smoking remains the leading cause of preventable death and disability in the United States, despite a significant decline in the number of people who smoke. Over 16 million Americans have at least one disease caused by smoking. This amounts to \$170 billion in direct medical costs that could be saved every year if we could prevent youth from starting to smoke and help every person who smokes to quit.



MARYLAND KEY FACTS

\$1.2M

Was received from CDC for tobacco prevention and control activities in FY 2019

In 2017, **21.6%** of Maryland high school **youth** reported currently using **any tobacco product**, including e-cigarettes. Among Maryland high school **youth**, **8.2%** reported currently smoking **cigarettes**.

12.5%

Of adults smoked cigarettes in 2018

7,500

Adults die from smoking-related illnesses each year

\$2.7B

Was spent on healthcare costs due to smoking in 2009

PUBLIC HEALTH RESPONSE TO TOBACCO USE IN MARYLAND

Despite Maryland's success in lowering youth tobacco use rates, the state program found that many Maryland retailers were illegally selling tobacco to kids at increasing rates. In 2014, just 37% of Maryland youth reported being asked to provide photo ID to purchase cigarettes, and nearly 70% of youth smokers reported being able to purchase cigarettes directly or by proxy. In response, the program launched the Responsible Tobacco Retailer Initiative, which educated retailers, increased the enforcement of youth access laws, and improved partnerships between state, local, public and private entities, including retailers. This concerted effort proved to be successful – illegal tobacco sales to minors declined by 56% from 2014 to 2015. Due to this positive outcome, Maryland continues to implement the Responsible Tobacco Retailer Initiative, sustaining effective programs and partnerships. State compliance inspections from 2016 show the violation rate has declined even further – less than 11% of retailers are selling tobacco to minors, a 65% reduction from 2014.

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U.S. Department of
Health and Human Services
Centers for Disease
Control and Prevention

www.cdc.gov/tobacco

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MARYLAND

CDC's ROLE IN ADVANCING STATE TOBACCO CONTROL PROGRAMS

Maryland is one of 50 states plus DC that receives funding and technical support from the Centers for Disease Control and Prevention to support comprehensive tobacco control efforts and quitlines. The Office on Smoking and Health (OSH) is the lead federal agency for comprehensive tobacco prevention and control. For decades, OSH has led public health efforts to prevent young people from using tobacco and to help all tobacco users to quit.

CDC's TIPS FROM FORMER SMOKERS® (Tips®) CAMPAIGN HELPS MARYLAND SMOKERS QUIT SMOKING



Despite significant progress, tobacco use remains the leading preventable cause of death and disease in the US. The good news is that 7 out of 10 smokers want to quit smoking. That is why since 2012 CDC has been educating the public about the consequences of smoking and exposure to secondhand smoke and encouraging smokers to quit through a federally funded, national tobacco education campaign, *Tips From Former Smokers®*. The campaign features former smokers suffering from the real consequences of smoking.

The *Tips®* campaign connects smokers with resources to help them quit, including a quitline number (1-800-QUIT-NOW) which routes callers to their state quitline. The Maryland quitline provides free cessation services, including counseling and medication. These services are effective in improving health outcomes and reducing healthcare costs.

"I was thinking about relapsing today and the new commercials came on. It changed my mind real fast. You don't understand the power of these commercials until you have made the decision to quit. Terrie Hall makes me cry every time . . . that could easily be me."

– Justin: January 2016

Incoming calls to the Maryland state quitline increased by an average **50%** during the 2019 *Tips®* campaign. The Maryland state quitline received a total of **13,546** calls from April 23rd – October 8th during the 2019 *Tips®* campaign.

MARYLAND TOBACCO PREVENTION & CONTROL PROGRAMS REDUCE HEALTHCARE COSTS

Tobacco prevention and control activities are a public health "best buy." Evidence-based, statewide tobacco control programs that are comprehensive, sustained, and accountable have been shown to reduce the number of people who smoke, as well as tobacco-related diseases and deaths. For every dollar spent on tobacco prevention, states can reduce tobacco-related health care expenditures and hospitalizations by up to \$55. The longer and more states invest, the larger the reductions in youth and adult smoking. A comprehensive statewide tobacco control program includes efforts to:



1 Prevent initiation of tobacco use especially among youth and young adults



2 Promote cessation and assist tobacco users to quit



3 Protect people from secondhand smoke

For more information on tobacco prevention and control, visit cdc.gov/tobacco.

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Centers for Disease Control and Prevention

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MARYLAND