

Melissa Hendrix

114 Tennessee Road

Stevensville, MD 2166

Vape Loft

167 Mitchells Chance Rd

Edgewater, MD 21037

SB259 Business Regulation - Flavored Tobacco Products – Prohibition - OPPOSED

Hello, my name is Melissa Hendrix and own the Vape Loft in Edgewater, MD. I quit cigarettes in 2013 with the help of vape. At first it was not easy I was back and forth however I stuck with it and no longer smoke cigarettes. I am on my way off the vape because I can drop my nicotine down to nothing. I just had a checkup with my doctor who said my lungs sound great along with my heart. Changing over to vape has also changed my way of living to a healthier option from eating and exercising. I would not have been able to quit smoking cigarettes if I didn't have the vape that offered vanilla flavored options.

Banning flavored vapes does nothing but hurt small businesses in the state of Maryland and keeps tobacco and menthol flavored prefilled high nicotine vapes available in convenience retail locations which have been known to sell to underage kids. Kids or teens do not care what the flavor is inside of the vape all they care about is the little head high that is provided. Banning flavored vape is not a good option as it just opens a black-market of vape products. People will begin to make their own flavored liquid for their vapes while others will just go back to combustible cigarettes. Also, Maryland is not a big state, banning flavored vapes will push people to travel outside of the state to purchase vapes as it is already happening because of the 60% tax increase on vape liquid 5mLs or less.

If this bill is imposed it would shut my shop down and I would have to let go 5 employees. However, the gas station on the corner from my shop will still be able to operate and sell flavored vapes because tobacco, menthol, mint are all different flavors we must add to the liquid (to make it that flavor) legally because for some reason we think this will discourage kids or teens from using them. Anybody can walk into those retail locations without parental supervision to purchase whatever they want especially if they know someone. If someone walks into my store and looks 40 and under I and the rest of my staff cards them. Customers are sometimes confused that I am carding them because of how rarely they get carded for alcohol.

Adults like flavors regardless of what you all may believe; however, teens are just looking to alter their brain chemistry, no matter what it tastes like. Maryland has increased the age to vape to 21 years of age in 2019 and we have seen a drop in teen use of vape products. Banning flavored vapes again only hurts small businesses and adults that use those products. As we sit here today trying to ban flavored vapes, we are also developing legislation to legalize cannabis so clearly banning stuff did not work.

Elmer Bailey
The Vapor Emporium
11717 Old National Pike, #3B
New Market, MD 21774

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Hello and thank you for the opportunity to speak on SB259 and voice my concerns and opposition. My name is Elmer Bailey, owner of the The Vapor Emporium in New Market Maryland, current member of the Maryland Vapor Alliance. We will be marking our 10 year anniversary this month in helping thousands of Maryland citizens transition and quit combustible cancer causing tobacco.

During this time, we have worked with our esteemed legislators and the state in crafting responsible rules and regulations concerning ENDS products. To be clear, our singular and sole mission has and will always been to provide the adult citizens of Maryland the best and safest products available, and the expertise to help them quit smoking, and lead healthier lifestyles without cancer causing combustible tobacco

We supported the state's efforts, ahead of the federal government, to increase the age requirement for the purchase of tobacco to 21. We had a seat at the table with the State Comptroller's Office to again, help craft responsible rules and regulations for the state and address underage use. We have a proven track record of compliance and assistance to the state in keeping these products out of the hands of youth. Additionally, we support state and local efforts to increase the penalties for selling to underage youth.

We have worked hard to not only decrease cigarette smoking rates in the state, but to also provide safe products and expertise to our customers, the citizens of Maryland. We have provided jobs and generated income to the state, as well as the added benefit of decreasing combustible cancer causing tobacco in our state. We were the leaders in creating responsible and cohesive licensing requirements in the state concerning ENDS products. We worked with the state to create responsible taxation policies.

We believe this bill will take the state's progress and hard work backward and undo the hard work done by the state and our industry. The facts and past record of our member shops and legislators have made our state a leader in responsible legislation and regulation. This bill risks the creation of dangerous black markets, loss of businesses, jobs, revenue to the state, and most certainly will serve to increase smoking rates.

We respectfully ask for an unfavorable report on SB259.

Ashley Kessler
COO
TV Vapor, Baltimore and Harford Counties

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To Whom it May concern,

My name is Ashley Kessler and I am the Chief Operating Officer at TV Vapor. We have been open since mid-2015 and have grown to three retail locations across Maryland. I have personally watched, got to know and helped thousands of adults switch from combustible tobacco to vaping. The flavor ban proposed would be a detriment to not only those adults, but to the countless others who still use combustible tobacco products.

An absolute ban on flavors would destroy our business and the ripple effect would be far reaching. We employ close to 40 adults aged between 21 and 50 year old that work to support their families, their children and themselves. Forty adults, from my business alone, would be left without a job and forced to find other work. Forcing people to find alternative employment during a recession is a ripple effect of this ban that needs to be considered as well.

In addition to the personal choices of adults being controlled, the individual financial strain, it is also important to note the economic factor at play. We pay taxes. For the fiscal year of 2022, we paid close to \$500,000.00 in sales tax and tobacco tax alone. A complete flavor ban would reduce this to zero. To ignore the impact of destroying an entire industry and erasing millions of tax dollars is reckless and ignorant.

Banning flavors does not eliminate access or the creation of these products. Just look at what happened in late 2019 and early 2020. Black market and illicit products caused a wave of people to endure hospitalization and long term lung damage. It creates an even larger problem due to a lack of oversight and regulation.

Our industry has been scrutinized for years for a problem that there are very clear solutions to. Banning flavors is not the answer. We have passed every sting operation and with pride and continue to promote the only important narrative that vaping is for adults who are looking for an alternative way to reduce their amount of nicotine intake. Brick and mortar vape shops are not your problem, flavored e-liquid is not the problem.

We are not on separate sides of the bigger issue. We believe that our products and our industry is for adults and adults alone and are confident that a total flavor ban would only create more problems with far greater repercussions.

Thank you for your time,
Ashley Kessler

Aaron Mee

TV Vapor

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My name is Aaron Mee and I have been working at TV Vapor for 3 years. This job has helped me tremendously and continues to help me currently. I have been able to help so many people quit smoking and continue to help people every day. There are so many people out there who want to quit, but nothing that they have tried worked for them until they tried vaping. Vaping offers a cleaner and less harmful consumption of nicotine that can help soothe the cravings of cigarettes and help kick the habit completely.

Flavored juice is one of the main reasons that people quit smoking. Tobacco flavored juice is not appealing to those people trying to get away from cigarettes because they are just getting the same flavor that they are trying to get rid of. It just gives them the tobacco taste which can unfortunately lead them back to smoking. Different flavors appeal to different people and having a variety of different things to try allows for vaping to help more and more people. Just like food, everyone has their own taste and certain flavors don't work for certain people, so having a variety of different options allows for us to cater to as many people as possible.

If the industry were to have a flavor ban, it would cause almost every vape shop to shut down, and force tons to lose their jobs. This job is my primary source of income and finding a decent paying job right now is hard and with the amount of people that would be unemployed by this, it would make things even harder. I have coworkers that range from 21-50 and all of us are in the same boat. We all need this job to help pay for our bills and to have our business abruptly end with a flavor ban would put all of us in a tremendously bad spot.

Please consider the people that are helped by vaping and the employees that work so hard to help as many people as they can when considering this flavor ban. It would hurt a large amount of people who have no other way quit smoking as well as cause a lot of people to lose their jobs. All this industry wants to do is help people quit smoking and enforcing a flavor ban would be detrimental to that goal.

Rich Wesley

Owner, Wesley's Vape Shop, Cecil and Harford Counties

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My name is Rich Wesley and I own 3 vape shops in the state of Maryland. Two in Cecil County and one in Harford County. I was a combustible cigarette smoker for 25 years and had always wanted to quit smoking but just couldn't find the right alternative. I used every method available including all over the counters FDA approved methods and was not able to kick the habit. A friend of mine introduced me to vaping, as they had used this method to quit, and I was able to quit combustible cigarettes. Before I started vaping as a method to quit cigarettes, I did extensive research into this method. I found multiple reports that it was a much better way to get my nicotine and that it was found to be 95% safer by multiple global institutions. So, I made the decision to start vaping. From day one I never picked up another combustible cigarette. After a week of vaping I felt 100% better. My taste came back, I was able to breath better, and I personally smelled better. As I continued to use this method to stay off cigarettes my health continued to improve. After a month I was able to do all my normal activities without losing my breath and I was back to a normal sleep routine. Plus, the greatest thing was I started out at a high nicotine percentage, and was able to continually reduce my nicotine percent. What also made the transition possible was the flavor options. If it was not for the availability of flavors I would not have been able to continue vaping and would of definitely returned to combustible cigarettes. Just having tobacco flavors available would of definitely sent me back to cigarettes. Artificial tobacco flavors do not taste like tobacco, and is why most adults prefer other flavors. Since vaping worked so well for me that is why I started my own vape shop. I wanted to give this opportunity to everyone that was a current cigarette smoker. It was such a great thing that it needed to be available to everyone.

Now, my concerns about a flavor ban. If a flavor ban was to happen people would not continue to use this life saving

method to quit deadly combustible cigarettes. What I see with my customers in my shops is when a customer comes in for the first time to purchase a vape to quit smoking cigarettes, they want to start with a tobacco flavor. They do this because it is what they are accustomed to. But what I always see is on their second visit they want to switch to a different flavor. Tobacco reminds them to much of smoking cigarettes and in order to stay away from cigarettes, they would like to get away from tobacco flavors. They claim that if they continue with tobacco flavors they are going to go back to combustible cigarettes. Right now, tobacco flavors only account for 2% of my e-liquid sales, while 100% of my customers are adults.

In conclusion if flavors were to be removed people would go back to smoking combustible cigarettes. We already have 480,000 American in this country that dies each year from smoking and smoking related illnesses. And without flavors that number will continue to increase. I can wholeheartedly say that vaping has saved my life and I 100% contribute that to the available of flavored e-liquid.

In my businesses I employ 15 people who basically work full time. I provide health insurance and a 401k retirement plan. If a flavor ban was to go into place my sales would drop off so significant that I would have to layoff a minimum of 11 employees and close two shops. Plus the state of Maryland would lose on my tax revenue as I currently contribute about \$10,000 +/- in tax revenue monthly alone. Not to mention all the other taxes we are paying.

So I am asking that a flavor ban not be put into place for the reasons mentioned above. Along with the fact that we are a 21 and over shop. We use scanning devices to prove their age so there are no sales to minors. And on that note, to close this out, there has not been one vape shop in Maryland that has had a violation for selling to minors.

Thank you for listening,

Rich Wesley

Wesley's Vape Shop

Kyle Vega

11519 Lipscomb Way

White Marsh, MD 21162

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Good Afternoon members of the committee,

My name is Kyle Vega. I am a 33-year-old small business owner in Maryland, with two vape stores. My stores have been open for almost ten years, and before opening, I was smoking combustible cigarettes, starting 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.

This bill, as written, will surely close my three stores. 90% + of my e-liquid sales are flavored e-liquid. The average age of the customers that visit my stores is 38 years old. 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 two 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 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 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.

Thank you for your time.