

Testimony for HB 2563

Increasing the minimum age to purchase or possess cigarettes and tobacco products from 18 to 21; prohibiting cigarette vending machines and flavored vaping products.

Testimony of Eric McPherson

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Before the Kansas State Legislature, Topeka, Ks.

Thank you Chair and members of this committee for allowing me to make the case for removing the wording of Section 12 item W. page 19 line 26-29.

This will have a severe impact for Kansans, both financially, and from a health standpoint. The financial standpoint will be the loss of a thousand jobs from the Kansas Vape Shops, loss of \$230M in sales, of which \$12M in tax revenue to the state of Kansas, and the loss of the Consumable Material taxes. These numbers do not include sales in C-Stores, but only stand alone vape shops. Tobacco and Menthol sales are less than 2% of my business. Adult vaping customers do not choose tobacco or menthol flavorings. Almost all of my sales of eliquid are fruit or dessert flavored. This bill would shut down my business, cause my wife and 2 kids to be homeless, put my five employees out of a job, and close down my American Dream of converting smokers to a less harmful way to use nicotine.

The Myth that fruit flavors attract underage users has little evidence to back that claim up. Recent studies from the CDC show that 56% of teenagers used vaping "We were curious about them", when only 22% even mentioned flavors, 28% said they used them to do vape tricks only. Georgia did a news report on why teens were vaping, and asking the local high schoolers, the number one answer to why, "Because it is talked about so much, they have signs everywhere saying not to vape, so we wanted to know what all the hype was about." Yes. The mass media campaign to get kids not to vape is making them more curious to try vaping. Flavors are not just for young people. Restricting adults from flavored products will do nothing to solve the issue.

The best defense for slowing youth vaping would be to restrict vape sales outside of Vape Shops much like we do for liquor sales. The FDA did a controlled buy in Kansas last year and out of 272 citations only 2 were from a stand alone vape shops. We ID. We restrict underage access, and we do not allow bulk sales that can be turned into distribution channels for young people. Vape shops do not sell high nicotine content, small pod devices for \$1. This is a big tobacco marketing scheme to addict more customers to their products. Vape shops do not need to use loss leaders to sell our services and products as an impulse buy at the registers.

The health impacts on a flavor ban would be seen almost immediately. Adult smokers that switched to electronic cigarettes see an almost immediate improvement in their respiratory health. Study after study says that vaping is 95% less harmful than traditional smoking. Harm reduction is the ultimate goal, we know people are going to use nicotine, if we can deliver it in a less harmful way, we should embrace,

not ban. The UK has seen the benefits of Harm Reduction, they chose to regulate with a scalpel, not a sledgehammer. It is known that with reduced harm from vaping products it will lower overall healthcare costs to the state. The UK is urging all current smokers to switch from harmful combustible cigarettes to less harmful vaping products. Vaping as a smoking cessation tool has shown to be vastly more successful than traditional replacement tools. A recent study put smokers wanting to quit with vaping with those using pharmaceutical nicotine replacement products. What they found was those who switched to vaping had a 50% better success rate, less coughing and phlegm after 1 year. They concluded that vaping used as a smoking cessation tool was less expensive, more effective, and would lower the costs of quitting smoking.

Thank you for your time

Eric McPherson