



House Bill 22-1064: SUPPORT  
Prohibit All Tobacco Flavors

I'm Eric Heydorn, Government Relations Director at the American Heart Association. I'm here to urge your support of House Bill 1064. Smoking is the leading preventable cause of death in the United States, accounting for nearly 20% of all deaths each year. It harms nearly every organ of the body, including the heart.

Currently, the FDA tobacco flavor policy falls short of what is necessary to address youth tobacco use. Colorado must move forward to address loopholes. Under FDA guidance, thousands of e-cigarette flavors will remain on the market since the policy exempts menthol and allows fruit, and mint flavored liquid nicotine used in refillable open tank systems or in disposable e-cigarettes to remain on the market. (Though the FDA has recently released new rules around certain flavors, it could be years of court battles before any action is taken.)

97% of youth e-cigarette users report using flavored products. Use of nicotine can have adverse health effects on kids, such as harming brain development and increasing the risk of heart disease. E-cigarettes can decrease blood flow in the heart even more than traditional cigarettes, and can worsen heart disease risk factors.

Additionally, mint and menthol flavored tobacco products are heavily marketed to kids, black Americans, Latinos and LGBT youth. Of those who use tobacco, 85% of black Americans and 71% of young LGBT Americans use menthol tobacco products. We know these harmful marketing tactics are killing black communities. Black Americans suffer the greatest burden of tobacco-related death of any racial or ethnic group. And black adults are more likely to die from heart disease and stroke.

Flavors mask the taste and harshness of tobacco products, they are addicting new generations to tobacco and nicotine, and keeping adult tobacco users hooked. If we want to get serious about ensuring we don't lose a new generation of kids to tobacco and ultimately save lives, we must remove all flavored tobacco products from the market.

We support this legislation without exceptions.

**Please vote YES on House Bill 1064.**



**May 9, 2022**

**RE: HB 1064 - Flavored Tobacco Products**

Chair Gonzales, Vice Chair Winter, and honorable members of the Senate Finance Committee,

Thank you for the opportunity to write on behalf of our more than 4000 members in Colorado expressing our concerns and extreme opposition to HB 1064, which would prohibit sales of low-risk nicotine products in flavors other than tobacco--even if they receive a marketing granted order from the US Food and Drug Administration. This proposal is a hasty reaction to an emotionally fueled issue that is only being made worse by well-meaning, but misguided attempts to eradicate nicotine use.

The proposal to ban the sale of vapor products sold in flavors other than tobacco will deny people who smoke access to the most popular low-risk smoking replacement product in generations. Focusing solely on a particular feature of vapor products ignores other aspects of these products that people find enjoyable--a key factor in helping people who smoke make the switch and dramatically improve their health. Moreover, we believe it is a mistake to focus on the issue of flavors to the exclusion of underlying factors affecting youth use. Socioeconomic status, trauma, peer pressure, stress, depression, and a natural inclination toward taking risks all motivate young people to experiment with potentially harmful behaviors and coping strategies. None of these factors are addressed by HB 1064 or any other measures that deal strictly with limiting access to substances like nicotine and other drugs.

The leading indicator of whether or not a young person will smoke is if they live with a parent who smokes. Colorado can do more to promote healthy behaviors among young people by encouraging parents who smoke to switch completely to a low-risk, smoke-free alternative. In order to achieve a rapid and enduring transition to safer nicotine products, people who smoke must have access to products they enjoy. This necessitates the availability of a diverse range of flavored smoke-free products. For these and the following reasons CASAA is urging the Committee Commerce and Consumer Protection to reject HB 1064.

## **HB 1064 will deprive people who smoke access to life saving products**

- **The availability of enjoyable smoke-free nicotine products is helping millions of people quit smoking.**

It is very disappointing that some of the comments the committee will hear on this legislation callously dismiss the experiences of millions of people who quit smoking<sup>1</sup>, or are on their way to living smoke-free by switching to a safer nicotine product like vaping. You are being asked to disbelieve the experiences of surgical patients who will have better outcomes after switching to vaping,<sup>2</sup> parents and grandparents who will be around longer for their children, and young adults who are quitting before lasting damage is done, or who will never take up smoking because vaping is a better, safer alternative to combustible cigarettes.<sup>3</sup>

You are right to be skeptical of claims that vaping is unhelpful because just as we all know someone who has died early due to smoking, we are also increasingly more likely to know someone who quit by switching. Enjoyable, flavored products are being linked to positive outcomes in both people trying to quit<sup>4</sup> <sup>5</sup> and those who quit by accident.<sup>6</sup>

- **A ban on flavored vapor products will force independent vape shops to close.**

We defer to data being presented by trade representatives from the vapor industry with regard to sales data, but it is our understanding that a majority of purchases involve e-liquid in flavors other than tobacco by people older than the federal minimum legal sales age of 21. To date, we are unaware of any retailer or manufacturer that sells a popular line of unflavored e-liquid.

It is unlikely that specialty vapor retailers will be able to remain open if they are restricted to selling just vapor devices and tobacco flavored e-liquid. It is the diversity of vapor products that both supports independent businesses and provides a customizable experience to people who are attempting to transition to a smoke-free lifestyle.

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<sup>1</sup> Clive Bates, The Counterfactual, E-cigarette risk perceptions – an American crime scene, February 3, 2022. Accessed from <https://clivebates.com/e-cigarette-risk-perceptions-an-american-crime-scene/>, February 8, 2022.

<sup>2</sup> Nolan M, Leischow S, Croghan I, et al. Feasibility of Electronic Nicotine Delivery Systems in Surgical Patients. *Nicotine Tob Res.* 2016;18(8):1757-1762. doi:10.1093/ntr/ntw003

<sup>3</sup> Zhu S, Zhuang Y, Wong S, Cummins S E, Tedeschi G J. E-cigarette use and associated changes in population smoking cessation: evidence from US current population surveys *BMJ* 2017; 358 :j3262 doi:10.1136/bmj.j3262

<sup>4</sup> Friedman AS, Xu S. Associations of Flavored e-Cigarette Uptake With Subsequent Smoking Initiation and Cessation. *JAMA Netw Open.* 2020;3(6):e203826. doi:10.1001/jamanetworkopen.2020.3826

<sup>5</sup> Eva C. Rest, Kristin N. Brikmanis, Robin J. Mermelstein, Preferred flavors and tobacco use patterns in adult dual users of cigarettes and ENDS, *Addictive Behaviors*, Volume 125, 2022, 107168, ISSN 0306-4603, <https://doi.org/10.1016/j.addbeh.2021.107168>.

(<https://www.sciencedirect.com/science/article/pii/S0306460321003531>)

<sup>6</sup> Kasza KA, Edwards KC, Kimmel HL, et al. Association of e-Cigarette Use With Discontinuation of Cigarette Smoking Among Adult Smokers Who Were Initially Never Planning to Quit. *JAMA Netw Open.* 2021;4(12):e2140880. doi:10.1001/jamanetworkopen.2021.40880

- **Vapor product specialty shops (vape shops) play a vital role in helping smokers switch to a low-risk alternative**

Vape shops are a source of peer-to-peer support that is not effectively replicated by current tobacco control interventions. Vape shops provide knowledgeable staff who offer individualized attention to help customers find devices and e-liquid flavors that will help them successfully make the switch. Just as important, vape shops provide a space for peer-to-peer support for people who used to smoke and people who are transitioning to a smoke-free product.

By way of background, vapor retailers and manufacturers in the United States are prohibited by federal law from marketing e-cigarettes as smoking cessation products or even less harmful than cigarettes.<sup>7</sup> Customers, however, are bound by no such law. It is not uncommon to hear customers exchange successful quit smoking stories between one another in a vape shop. To the casual observer, sharing such a story might not seem like much, but between people who are recovering from a multiyear or multi-decade cigarette addiction, it can mean the difference between living a smoke-free life or returning to the devil they know.

By comparison, vapor retailers in the United Kingdom are not subject to the same limitations on marketing communication in face-to-face transactions. Research conducted in the UK demonstrates that people who shop for vapor products in specialty vapor shops have a remarkable quit rate of >40% after 12 months.<sup>8</sup> Other than quitting “cold turkey,” no other smoking cessation intervention comes close to the success rate found in the UK. And while the retail environment studied in the UK is not a 1:1 match with vapor shops in the United States, when we consider customer-to-customer interactions within the retail environment, which are not regulated by federal law, it stands to reason that the results found in the UK may be generalizable to consumers in the United States.

For the foregoing reasons we respectfully urge the Committee to OPPOSE HB 1064. This legislation will place unnecessary barriers in front of people who would otherwise be improving their health.

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<sup>7</sup> 21 USC 387k: Modified risk tobacco products, accessed from <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section387k&num=0&edition=prelim>

<sup>8</sup> Polosa, Riccardo et al. “Quit and smoking reduction rates in vape shop consumers: a prospective 12-month survey” *International journal of environmental research and public health* vol. 12,4 3428-38. 24 Mar. 2015, doi:10.3390/ijerph120403428

## Recommendations

- We urge committee members to refocus their attention on the most pressing concern of reducing the early death and disease attributed to smoking by seeking ways the state can help promote safer alternatives to people who smoke.
- Effective substance use prevention starts by empowering young people with strong social skills, critical thinking, and healthy coping strategies. People are generally resourceful and, historically, find ways to circumvent prohibitions on tobacco, drugs, and alcohol. Strong life skills training during adolescence has a greater potential to positively shape a young person's life well into adulthood.
- Colorado consistently spends only a small fraction of the amount recommended by the Centers for Disease Control on tobacco prevention.<sup>9</sup> Arguably, the state hasn't given existing tobacco prevention strategies a chance to succeed. We assert here that if the State of Colorado believes that traditional tobacco control strategies are effective, then compliance and enforcement should be fully funded.

Thank you for considering our comments.

Sincerely,



Alex Clark

CEO

The Consumer Advocates for Smoke-free Alternatives Association

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<sup>9</sup> Lindsey Stroud, Taxpayers Protection Alliance, "Tobacco & Vaping 101: Colorado." Feb. 2022, accessed from <https://www.protectingtaxpayers.org/analysis/tobacco-vaping-101-colorado-2/>, May, 9 2022.



May 9, 2022

**Testimony on Colorado’s HB22-1064 — “Prohibit Flavored, Tobacco Regulate Synthetic Nicotine”**

Dear Chairs and Members of the Senate Finance Committee,

My name is Yaël Ossowski and I am the deputy director of the consumer advocacy group Consumer Choice Center, based in Washington, D.C.

As a consumer advocate and great fan of the state of Colorado, I’d like to begin with praise for both the voters and the legislators of your fine state.

In 2012, against all odds, your state became the first in the Union to legalize, regulate, and license recreational cannabis. For many of us who campaigned for an end to the Drug War, you and your voters offered the first of many valiant strikes against the status quo. A status quo we all recognized as broken, discriminatory, and that caused more harm than could a legal and regulated market.

Though there have been many learning pains, the fact remains that Colorado’s safe and legal cannabis market is now a model for countries to envy and follow. Your state implemented strict licensing and retail restrictions that appropriately age-gated cannabis products to keep them out of the hands of minors and young people, and have starved criminal elements of the black market trade they used to enjoy without scrutiny.

In meetings and testimonies to legislators from around the world, including in Canada, Luxembourg, and throughout the European Union, my Consumer Choice Center colleagues and I have discussed the positive policy prescriptions for cannabis that emanated from this great state, its voters, and its General Assembly.

Coloradans choose to minimize harm, embrace innovation, and allow for responsible adults to make decisions about cannabis on their own without interference from law enforcement.

Today, however, there is a bill before you – HB22-1064 – that will do the complete opposite when it comes to users of flavored nicotine products.

There are public health groups and lobbies that have urged you to act for the sake of children: in order to keep them away from products used by millions of adults, we must undo the legal and regulated market, reduce choices for former smokers who have quit with vaping products, and hand the flavored tobacco product industry over to the black market, where they don’t check ID and don’t pass government inspections.

That, ladies and gentlemen of this committee, would commit Colorado to a policy of more harm.

There are many adults already addicted to nicotine who have reduced their harm exposure by switching away from traditional cigarettes. Your actions today would mean that these





adults would have no alternative for their cravings but the cigarette packs found at the gas station or convenience store.

According to the latest science, and health bodies in the United Kingdom, New Zealand, and Canada, we know that using flavored nicotine devices is 95% less harmful than smoking. Adults who are former smokers have been switching *en masse* to this new and innovative technology because it can deliver the same effects of nicotine without the harm of tobacco smoke. And flavors are integral to making this switch.

Your actions today will determine whether Colorado will have a lawful, legal, and regulated market for flavored tobacco and nicotine products, or if it will relegate this market to a new era of Prohibition, which has no age-checks or government inspections.

Nicotine itself is not the enemy. And we must acknowledge that. Adults have become addicted, and we must shepherd them to less harmful alternatives. These vaping devices are saving millions of lives around the globe.

But relegating vaping devices to the black market, where there are no checks for ID, and no concern for safety or regulations would be an even more dangerous path. We know this from the thousands of lung injuries in 2019, which the CDC has [admitted](#) were caused primarily, if not exclusively, by illicit cannabis vaping cartridges laced with Vitamin E Acetate.

We also know this from the broader cannabis market. I cheer the residents of Colorado for voting to legalize and regulate cannabis, and for giving us a path to a safer and more just future for those who use these products.

Banning products will not make them go away. It will only create incentives for black markets to offer them to adult or high school students alike. We prefer a regulated and safe market with adequate checks and administration, and I believe this committee would agree.

We must acknowledge that responsible adult consumers must have a choice and should not have to face the prospect of flavored vaping products simply being banned from their state, lest they be pushed to return to combustible tobacco. Our policies must be fair, just, and based on scientific evidence. We urge the committee to reject this bill.

Thank you for your time.

Yaël Ossowski  
Deputy Director  
Consumer Choice Center  
[yael@consumerchoicecenter.org](mailto:yael@consumerchoicecenter.org)



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Thank you for your time.

Yaël Ossowski  
Deputy Director  
Consumer Choice Center  
[yael@consumerchoicecenter.org](mailto:yael@consumerchoicecenter.org)

Esteemed members of the senate.

I am Philip Guerin, proud to be born and raised here in Colorado. I am the proud father of an amazing 11-year-old daughter, she attends the same school I did.

I am an active leader in my community and a philanthropist.

I am also the proud owner of Myxed Up. I started on Colfax almost 30 years ago, now we have stores in Denver, Aurora, Colorado Springs, Pueblo, and Grand Junction.

I am most proud that me and my 40 employees have helped thousands of people quit smoking cigarettes.

I am opposed to HB1064.

Vaping is a revolutionary way to consume nicotine, fulfilling oral fixation, which other smoking cessation methods can't do.

Revolt is the root of the word revolutionary. Revolt against what? Cigarettes and the old way of doing things.

Government didn't start this revolt. Medical professionals didn't start this revolt...and big tobacco definitely didn't start this revolt. We did!! Innovative intellectual individuals that want better for ourselves.

**BANS DON'T WORK!!**

We have a statewide ban on fireworks. Go outside on 4<sup>th</sup> of July and tell me how that is working out?

Bans always have unintended circumstances. This bill will push more people will smoke cigarettes. That will drive up health care costs, contrary to what the sponsors of this bill have stated.

Last October the FDA concluded that the benefit of these products in helping adult smokers reduce or eliminate their use of traditional cigarettes outweighs the risk they may pose, particularly to youth.

In 2020 Colorado voters told our elected representatives what to do with Proposition EE. Tax, not ban, and give us universal pre-k! Listen to the voters.

Please do not strip adults of their rights to choose what we can do with our bodies. Especially during these poignant times.

Please do not hurt the good people in our industry. Like my employees and their families whose lives depend on this job.

We are part of the solution not the problem.

Nobody condones youth vaping.

HB1064 is not the solution.

Please vote no.

I am here to answer any questions you may have.

I'd like to start off by thanking the committee for coming out and giving us this opportunity today.

My name is Mariah Tanner, I am here representing Absolute Vapor Lounge and I am against HB22-1064.

I understand the major concern is the youth and keeping these products out of their hands and lungs.

I started smoking in Highschool at 17. I didn't have access to flavored nicotine products but still sought it out and smoked daily after the first cigarette. After I found vaping and flavored nicotine, I have not been able to go back to smoking. There was a time I stopped vaping but when I went back and had my first cigarette in 6 years, I still could not stomach just one. I am a healthier person today because I was able to cut cigarettes out of my life.

At Absolute, we understand and uphold the 21+ law by making sure that we card everyone and only make the sale if they meet the age requirements. Our purpose is not to cater towards kids but give another option for people looking to quit smoking.

You may think that we don't need the flavored options, but our customers are widely unique in what they prefer in flavor, one person may be satisfied with a tobacco flavored nicotine whereas, another only likes fruity flavors. To cater to one person over the other only sets the person who likes fruity flavors back with little option to stay off cigarettes.

This bill will affect small businesses and Adults who have started making progress towards cutting nicotine from their lives. Speaking as a former teen smoker, banning flavored synthetic nicotine will not prevent the youth from getting access. It would cause a black market of unregulated nicotine or people trying to make their own with potential harmful ingredients.

Thank you for your time and consideration, please take what you have heard into thought when you make your decisions today.

Thank you for your service to the people of Colorado.

I work in one of the 200 small, mom & pop, independent, vaping stores in your legislative district and throughout Colorado. I do not represent JUUL nor do I sell JUUL products.

The small, independent vaping stores in Colorado are truly committed to both reducing youth vaping and empowering responsible adults to use flavored vaping products to quit smoking more harmful, deadly cigarettes and to stay alive.

We would like to discuss **HB22-1064** and ask for a **NO vote** or at least the reinstatement of a forthcoming Age Restricted Amendment so that our small stores do not go out of business.

Approximately 96% of all annual sales from the small vaping stores are flavored vaping products to adults. If the State removes 96% of sales from any business, the business will cease to exist. Small vaping stores do not sell non-vaping products, such as soda or chips, like the approximate 4,000 convenience stores sell in Colorado.

During the last three years, my colleagues and I have met with 41 Colorado local government elected officials, Colorado state leaders, and federal regulators to craft public policy and data-driven vaping best policies to both reduce youth vaping while still allowing small responsible vaping store owners to serve adults.

Approximately 33 of the 41 Colorado local governments have implemented our policy best practices and have experienced youth vaping reductions. The eight Colorado local governments, such as Boulder and Glenwood Springs, that banned flavors, caused responsible small vaping store owners, such as Dan and Gina, to go out of business within 30 days. The State of New York also destroyed 700 small vaping stores when they instituted a statewide, flavor ban.

Below is detailed information and extensive data about the best public policies to both reduce youth vaping and still allow responsible adults to use flavored vaping products to quit smoking more harmful, deadly cigarettes.

**The most effective public policies to reduce youth vaping include the following:**

- Only allowing age-restricted stores (21 and over) to sell flavored vaping products. An age restricted amendment would only allow approximately 150, small, independent vaping stores to sell flavored vaping products. Currently, approximately 4,000 licensed stores (mainly convenience stores) in Colorado are allowed to sell flavored vaping products.
- Creating additional licensing fees to better regulate the stores allowed to sell flavored vaping products.

- Increase the number of inspections for stores that sell flavored vaping products.
- Create the stiffest fines in the country for stores that sell vaping products to a minor. For example, consider implementing a first offense fine of \$5,000, a second offense fine of \$10,000, and a third offense fine of a 30-day revocation license.
- Marketing restrictions. Small independent vaping stores do not market so any additional marketing restrictions beyond HB20-1001 are welcome.
- Requiring ID scanners and mandatory swipes at all age restricted stores to prevent youth vaping purchases.
- Requiring track and trace products so any vaping product can be identified in the hands of any non-adult.

To summarize, small vaping stores should be treated similar to marijuana shops.

There are many differences between responsible small vaping stores and JUUL. For example, small vaping stores do not sell JUUL products. Small vaping stores sell 50% less nicotine than JUUL products. Small vaping store vaping products are four times more expensive and four times larger so they cannot be concealed. If you examine confiscated vaping products from any School Resource Officer, the products will be small, discrete, easy-to-conceal JUUL products. Not large, open-tank, vaping products sold in my stores. JUUL's actions have tarnished the approximate 150 responsible, small vaping stores in Colorado who empower adults to quit smoking more harmful cigarettes.

It is important to note that one, single cigarette contains 7,000 chemicals – at least 93 of which are proven carcinogens. A typical vaping device only contains approximately 12 major ingredients. Vaping products do not contain charcoal or tar – the two main ingredients that kill approximately 480,000 Americans annually. That is why 14, highly respected, domestic and international health care organizations have publicly commented about vaping being a safer alternative than smoking combustible cigarettes.

During the last four years, approximately 4% of stores in Colorado have been fined for selling to minors. These stores are predominantly convenience stores - not age restricted vaping stores.

Next, please consider the negative economic impact of a vaping flavor ban. Overall, the State of Colorado will annually lose between \$75 - \$100 million dollars of direct taxes and an additional \$75 million dollars of annual indirect economic impact. Below is a list of economic contributions of a typical small vaping store:

- Employs four to 10 full time employees.

- Over 95% of store owners lease their space. Lease contributes to property taxes for the municipality.
- Each small, independent vaping store conducts approximately 10,000 – 16,000 transactions annually.
- Each small, independent store contributes between \$50,000 to \$80,000 in annual sales tax and pays approximately \$80,000 in annual employer and employee payroll taxes. Small vaping stores also pay other employee taxes, such as FICA.

Next, it is important to note that youth vaping has reduced nearly 30% each year during the last three years according to the CDC and FDA National Youth Tobacco Survey (NYTS).

For example, in 2020, the National Youth Tobacco Survey reported that there were 2.8 million fewer American youth who used vaping products than in 2019.

The federal government, the State of Colorado, and dozens of Colorado municipalities have passed over 12 common sense laws and regulations (not flavor bans) to reduce youth vaping. The laws are working.

For example, voters of the State of Colorado increased taxes 62% to reduce youth vaping. The State of Colorado created a state licensing and enforcement system for stores to prevent minors from purchasing vaping products. The State of Colorado increased the number of inspections at stores. The State of Colorado raised the age to 21 to purchase vaping products at the federal and state level. The State of Colorado banned new retail vaping stores from existing within 500 feet of schools. The State of Colorado restricted advertising for vaping products. The federal government prohibited flavors in closed, discreet vaping devices.

Flavor bans do not work. Flavor bans make the problem worse. Please consider these negative impacts of a flavor ban:

Flavor bans shutdown responsible small businesses and allow JUUL to dominate the market with high nicotine products. My stores sell half the amount of nicotine as JUUL products. Flavor bans do not solve the youth vaping issue. The CDC & FDA National Youth Tobacco annual surveys conclude that curiosity, peer pressure, and high nicotine motivated youth use - not flavors.

Additionally, flavor bans will motivate consumers will travel across state boundaries to purchase flavored vaping products. An underground market will be created and products will not follow strict manufacturing standards. Consumers will return to more harmful cigarettes. Flavor bans disproportionately target historically disadvantaged populations (ACLU, Drug Policy Alliance).

A 2017 Yale University study concluded that “a ban on flavored e-cigarettes would drive smokers to combustible cigarettes, which have been found to be the more harmful way of getting nicotine.”

San Francisco approved a 2018 ban of the sale of flavored tobacco products — including menthol cigarettes and flavored vape liquids. According to a May, 2021 study from the Yale School of Public Health (YSPH), that law had the opposite effect. Analyses found that, after the ban's implementation, high school students' odds of smoking conventional cigarettes doubled in San Francisco's school district relative to trends in districts without the ban, even when adjusting for individual demographics and other tobacco policies.

Finally, please keep in mind that when the 2009 Tobacco Control Act was signed into law by President Obama, the FDA only envisioned regulating five or six, international tobacco companies - not regulating thousands of independent, small, vaping stores. Small vaping stores were created in 2009 by thousands of adults who unsuccessfully tried quitting smoking from the nicotine patch, the nicotine gum, pharmaceutical drugs, and similar products.

For 6.5 million adults in the United States and for tens of thousands of adult Coloradans, flavored vaping products are the best option to quit smoking deadly cigarettes.

I look forward to visiting with you to add an Age Restricted Amendment to HB 1064, which is the most common sense, effective, vaping public policy that both reduces youth vaping and allows adults to use flavored vaping products to stay alive and to quit smoking cigarettes.

Please call me on my cell to ask any questions.

Thank you!

Kristina Quammen  
Director of Operations  
Absolute Vapor Lounge  
(719) 423-9680

## Written Testimony

Written testimony is a public record under the Colorado Open Records Act (CORA) and is provided to individuals upon request. Individuals submitting written testimony must use this sheet, but do not need to complete the optional portions. Attachments to this sheet are permitted. Please see a staff person for any questions regarding written testimony.

Bill: HB 22-1064

Date: May 9, 2022

Name	Kathleen Paquin		
Address <small>(optional)</small>	6790 Shenden Blvd		
City <small>(optional)</small>	Arvada	Zip <small>(optional)</small>	80003
Telephone: <small>(optional)</small>	720 612 7984		
Email: <small>(optional)</small>	All The Things Colorado@gmail		
Representing			
Position on Bill:	For	<input checked="" type="radio"/> Against	
	Neutral	<input type="radio"/>	

To: Members of the Senate

I strongly OPPOSE  
House Bill 22-1064.

This bill will cause

MORE HARM to Coloradans.

Shutting down small businesses will NOT  
stop teens from vaping.

AMAZON still sells vape products ONLINE  
with NO ID check.

You are targeting the wrong businesses!!  
My store is a 21+ ONLY location that  
follows all laws and regulations.

Ultimately you would be forcing my  
business to close, tell me to get a job  
elsewhere, like AMAZON, where they  
are still selling to under age teens!  
HYPOCRISY!!

In addition, approximately 10,000  
Coloradans will lose their jobs, and

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be forced into  
unemployment and/or  
bankruptcy!

Name	Kathleen Paquin	
Address <small>(optional)</small>	4790 Sheridan Blvd.	
City <small>(optional)</small>	Arvada CO	Zip <small>(optional)</small> 80003
Telephone: <small>(optional)</small>	720 412 7984	
Email: <small>(optional)</small>	AllTheThingsColorado@gmail.com	
Representing		
Position on Bill:	For	<input checked="" type="radio"/> Against
	Neutral	

Let alone, you are making laws on  
a product you DO NOT UNDERSTAND!

E-Cigs are FAR less harmful than  
smoking. There is NO good evidence  
that vaping causes cancer!

Yet, this bill will leave a KNOWN  
carcinogen, Tobacco Cigarettes, to still  
be available for purchase.

yet again... Hypocrisy!!

Please vote NO on this Bill.

This will NOT solve the problem  
of underage smoking.



**CANCER  
RESEARCH  
UK** Together we will beat cancer



## Is vaping harmful?

- Research so far shows that e-cigarettes are far less harmful than smoking.
- For people who smoke, e-cigarettes are an option to help them stop.
- E-cigarettes are not risk-free. We don't yet know their long-term effects, so people who have never smoked shouldn't use them.

## What are e-cigarettes?

Electronic cigarettes are also known as e-cigarettes or vapes. They heat a liquid so that it becomes a vapour that people can breathe in. They usually contain nicotine, which is the addictive chemical in cigarettes. E-cigarettes do not contain tobacco, which is the harmful part of cigarettes.

## Does vaping have side effects?

Lots of people want to know if e-cigarettes are safe and it's too soon to say for sure. But studies so far show that e-cigarettes are far less harmful than smoking. Most of the toxic chemicals in cigarettes are not present in e-cigarettes.

Some potentially dangerous chemicals have been found in e-cigarettes. But levels are usually low and generally far lower than in tobacco cigarettes. Exposure may be the same as people who use nicotine replacement therapy (NRT) such as patches or gum.

There is no good evidence that vaping causes cancer.

But e-cigarettes are not risk-free. They have only become popular recently, so we don't know what effects they might have in the long term. They should only be used to help you stop smoking, or to stop you going back to tobacco. If you have never smoked, you shouldn't use e-cigarettes.

Deliver to James Littleton 80123

All v vape disposable



your first order

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- IT Supplies
- Buy Again
- Add People
- EN
- Hello, James Account for GetSpores.com ...
- Lists
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- Shop by Style
- Home Décor
- Furniture
- Kitchen & Dining
- Bed & Bath
- Garden & Outdoor
- Home Improvement



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### New & Improved Blue Razz

Brand: LYZZ

1 rating

Price: \$19.99

Get a \$100 Amazon.com Gift Card upon approval for the Amazon Business American Express Card. Terms apply.

**Color** Blue Razz  
**Brand** LYZZ  
**Handle** 2022NEW  
**Material**

#### About this item

- 1.8 ml
- 5% Salt Nic
- 400 satisfyingly smooth puffs

Report incorrect product information.

\$19.99

\$4.49 delivery May 31 - June 20. Details

Deliver to GetSpore... - Littleton 80123

In Stock.

Qty: 1

Add to Cart

Secure transaction

Ships from and sold by shenlihao.

Add to List

Have one to sell?

Sell on Amazon

#### Frequently bought together



Total price: \$59.97

Add all three to Cart

They sell E CIGS ON AMAZON!

- This item: New & Improved Blue Razz \$19.99
- New & Improved Pink Lemonade Device No Refills or Recharges Required \$19.99
- Blueberry Ice Device 2022new \$19.99

#### Products related to this item

Sponsored

Deliver to James Littleton 80123

All vape disposable



Add team members

Departments

Get the app

IT Supplies

Buy Again

Add People

EN

Hello, James

Account for GetSpores.com ...

Lists

Try Business Prime

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Home Improvement



explore

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# New & Improved Pink Lemonade Device No Refills or Recharges Required

Brand: LYZZ

\$19.99

\$4.49 delivery May 31 - June 20. Details

Deliver to GetSpore... - Littleton 80123

In Stock.

Qty: 1

Add to Cart

Secure transaction

Ships from and sold by shenlihao.

Add to List

Have one to sell?

Sell on Amazon

Price: \$19.99

Get a \$100 Amazon.com Gift Card upon approval for the Amazon Business American Express Card. Terms apply.

- Fresh fragrance, free scent Uyogos.
- Pre filled 1.8 ml Salt Nic
- Internal Battery 350mAh
- Pre Charged Simply puff on device to activate
- 5% Salt Nic for a smooth draw

Report incorrect product information.

Roll over image to zoom in



## Frequently bought together



Total price: \$59.97

Add all three to Cart

- This item: New & Improved Pink Lemonade Device No Refills or Recharges Required \$19.99
- New & Improved Blue Razz \$19.99
- Blueberry Ice Device 2022new \$19.99

## Products related to this item

Sponsored

Deliver to James Littleton 80123

All vape juice

Add team members

Departments Get the app IT Supplies Buy Again Add People EN Hello, James Account for GetSpores.com ... Lists Try Business Prime 0

Grocery Deals Snacks Breakfast Warm Beverages Cold Beverages Cooking Staples Baby Food Candy & Chocolate Subscribe & Save



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Click image to open expanded view

# 50ml Liquid Juice, Blue Raspberry, Short Fill Bottles Ready for Use DIY, Make Your Own

Brand: Obrilo

337 ratings

26 answered questions

Price: \$19.99 (\$39.98 / Fl Oz)

Get a \$100 Amazon.com Gift Card upon approval for the Amazon Business American Express Card. Terms apply.

Extra Savings Promotion Available. 1 Applicable Promotion

### Buy new:

\$19.99 (\$39.98 / Fl Oz)

FREE delivery: Saturday, May 14 on orders over \$25.00 shipped by Amazon. Ships from: Amazon Sold by: Obrilo

### Recurring delivery

\$19.99 (\$39.98 / Fl Oz) (\$39.98 / Fl Oz)

FREE, automatic delivery. No fees, no obligations. Learn more

First delivery on May 15

In Stock.

Qty 1

Delivered every

1 month

Set up recurring delivery

Add to List

Have one to sell?

Sell on Amazon

Flavor Name: Blue Raspberry

Blue Raspberry \$19.99 (\$39.98 / Fl Oz)	Awesome Apple Sour \$19.99 (\$39.98 / Fl Oz)	Banana Hammock \$19.99 (\$39.98 / Fl Oz)
Blueberry Lemonade \$19.99 (\$39.98 / Fl Oz)	Caffe Mocha \$19.99 (\$39.98 / Fl Oz)	Cool Apple Currently unavailable.
Cool Blue Currently unavailable.	Cool Melon Currently unavailable.	Funky Monkey \$19.99 (\$39.98 / Fl Oz)
Glazed Donut \$19.99 (\$39.98 / Fl Oz)	Grape Drink \$19.99 (\$39.98 / Fl Oz)	Green Apple \$19.99 (\$39.98 / Fl Oz)
Kiwi Strawberry \$19.99 (\$39.98 / Fl Oz)	Lemon Bar \$19.99 (\$39.98 / Fl Oz)	Mega Mango \$19.99 (\$39.98 / Fl Oz)
Miss Samoa Cookie \$19.99 (\$39.98 / Fl Oz)	Perfectly Peachy \$19.99 (\$39.98 / Fl Oz)	Sampler Pack \$19.99 (\$39.98 / Fl Oz)

How is this industry not targeting kids?



## Written Testimony

Written testimony is a public record under the Colorado Open Records Act (CORA) and is provided to individuals upon request. Individuals submitting written testimony must use this sheet, but do not need to complete the optional portions. Attachments to this sheet are permitted. Please see a staff person for any questions regarding written testimony.

Bill: 1064

Date: 5/9/2022

To: All the Senators Voting  
on 1064. I am one  
of the owners of our  
store and this bill

would shut us down! Neither of us want  
kids to vape or smoke but, I know of  
many adults who vaping has helped!  
Not one of my customers would be ok with  
tobacco flavored vape juice! After many  
years & trying everything to quit smoking I  
finally tried vaping. The best part was all  
the flavors & none of them being foul  
like a cigarette is. The last thing anyone  
who has finally quit smoking wants is  
the taste or smell of tobacco. I have  
customers who come down from the mountains  
(who live in one of the flavor ban cities)  
and purchase many bottles of e-juice to  
last them for the month. I have other  
customers that were struggling w/ breathing  
a year ago & now can do things they  
thought would not be possible because

Name	Heather Heritage	
Address (optional)	6790 Sheridan Blvd Unit E	
City (optional)	Arvada	Zip (optional) 80003
Telephone: (optional)	480-433-4412	
Email: (optional)	allthethingscolorado@gmail.com	
Representing	All the Things Vape-N-Smoke Shop	
Position on Bill:	For	Against
	Neutral	

## Written Testimony

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Bill:

Date:

They quit smoking & are now vaping! They are very concerned that no one is even considering them.

Name		
Address <i>(optional)</i>		
City <i>(optional)</i>	Zip <i>(optional)</i>	
Telephone: <i>(optional)</i>		
Email: <i>(optional)</i>		
Representing		
Position on Bill:	For	Against
	Neutral	

This morning I decided to check Amazon & a few other online stores & not to my surprise but yes you can easily order it online! So please tell me how this will stop the youth in Colorado from vaping! The only thing this bill will do is shut down 100's of businesses and make all of us lay off / fire our employees... Not to mention the tax from Nicotine sales would be gone so how then are we going to pay for the little ones going to pre-school! People would start to sell these products w/o any regulation and no tax revenue and teens will still be able to purchase these products so the only thing I can see is all of us losing out on taxes and a lot of us losing our Business and still

## Written Testimony

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Bill:

Date:

a lot more NOT having  
the access easily to  
a product that does  
help people to quit  
smoking!

I have already lost everything in

the last few years and have WORKED  
really hard to build a business that  
I truly believe is needed & helpful  
and I am begging you to Please

VOTE NO on this Bill!

Thanks

Maather  
Heritage

All the Things Vape-

480-433-4412

Name		
Address <i>(optional)</i>		
City <i>(optional)</i>		Zip <i>(optional)</i>
Telephone: <i>(optional)</i>		
Email: <i>(optional)</i>		
Representing		
Position on Bill:	For	Against
	Neutral	

## Written Testimony

Written testimony is a public record under the Colorado Open Records Act (CORA) and is provided to individuals upon request. Individuals submitting written testimony must use this sheet, but do not need to complete the optional portions. Attachments to this sheet are permitted. Please see a staff person for any questions regarding written testimony.

Bill: HB22-1004

Date: 5/9/22

my name is Serenity Martinez

and I represent Vapers

Living in Colorado Springs

Colorado and myself. E-cigarettes

are substantially less harmful

than cigarettes. Over the last decade, thousands of adults

have publicly stated they have successfully quit smoking

because of vaping. I'm struggling to understand why there

has not been any discussion about what adults will have for

options if flavored products will no longer be available. For

those citizens of Colorado who are of age, are hard working, tax

paying, law abiding citizens who have already made the choice

to live a healthier lifestyle. Unfortunately a large number of

adolescents have newly become addicted to nicotine, so why

would the safer and more effective products become illegal?

I speak for most vapers when I say we are against big tobacco.

and the way they have targeted certain groups of people to market

their deadly products. As a former menthol smoker that used a chocolate

mint flavored e-juice to quit cigarettes. I was fortunate enough

to have had the invention and availability of these products in my

lifetime. Flavored e-liquid has potential to have a global impact

on public health with potential to replace cigarettes entirely.

If protecting the health of the youth and future youth of Colorado

is the only reason this bill was introduced and moving forward,

then this will be violating our human right of free choice as adult

Name <u>Serenity Martinez</u>		
Address (optional) <u>120 E Monument St Apt 10</u>		
City (optional) <u>Colorado Springs</u>	Zip (optional) <u>80903</u>	
Telephone: (optional) <u>(719) 710-0507</u>		
Email: (optional) <u>Serenitym87@yahoo</u>		
Representing myself & <u>vapor vaping</u>		
Position on Bill:	For	Against
	Neutral	

**I SMOKED, FOR 6 YEARS.  
I QUIT, BY USING**

*Vanilla Custard*

---

**FLAVORED E-JUICE!**

**I SMOKED, FOR 46 YEARS.  
I QUIT, BY USING**

Grape Sam Monster

**FLAVORED E-JUICE!**

**I SMOKED, FOR 18 YEARS.  
I QUIT, BY USING**

**Sweet Tarts**

---

**FLAVORED E-JUICE!**

**I SMOKED, FOR 14 YEARS.  
I QUIT, BY USING**

**APPLE - MINT**

---

**FLAVORED E-JUICE!**

**I SMOKED, FOR 15 YEARS.  
I QUIT, BY USING**

*Fifty Shades of custard*

**FLAVORED E-JUICE!**

I SMOKED, FOR ~~10~~ YEARS.  
I QUIT, BY USING

Frosted O's

FLAVORED E-JUICE!

**I SMOKED, FOR 4 YEARS.**

**I QUIT, BY USING**

**APPLE**

---

**FLAVORED E-JUICE!**

**I SMOKED, FOR 7 YEARS.  
I QUIT, BY USING**

Vapez (Smurfberry)

**FLAVORED E-JUICE!**

**I SMOKED, FOR 15 YEARS.  
I QUIT, BY USING**

**GRape  
FLAVORED E-JUICE!**

**I SMOKED, FOR 10 YEARS.  
I QUIT, BY USING**

**Cloud Patrol**

**FLAVORED E-JUICE!**

I SMOKED, FOR 10 YEARS.  
I QUIT, BY USING

LAVA FLOW

---

FLAVORED E-JUICE!

**I SMOKED, FOR 15 YEARS.**

**I QUIT, BY USING**

*Strawberry*

**FLAVORED E-JUICE!**

**I SMOKED, FOR 20 YEARS.  
I QUIT, BY USING**

*Pink Lemonade*

---

**FLAVORED E-JUICE!**

**I SMOKED, FOR 20 YEARS.  
I QUIT, BY USING**

*Pink Lemonade*

---

**FLAVORED E-JUICE!**

I SMOKED, FOR 26 YEARS.

I QUIT, BY USING

EPITORE/watermelon  
FLAVORED E-JUICE!  
Yum!

**I SMOKED, FOR 6 YEARS.  
I QUIT, BY USING**

**ALL  
FLAVORED E-JUICE!**

**I SMOKED, FOR 4 YEARS.  
I QUIT, BY USING**

*Horchata*

---

**FLAVORED E-JUICE!**

I SMOKED, FOR 12 YEARS.  
I QUIT, BY USING

BLUEBERRY DANISH

---

FLAVORED E-JUICE!

*RODA*

**I SMOKED, FOR 30 YEARS.  
I QUIT, BY USING**

*Lemon Lime Mint*

---

**FLAVORED E-JUICE!**

I SMOKED, FOR 12 YEARS.  
I QUIT, BY USING

SAMBBA SUN

---

FLAVORED E-JUICE!

**I SMOKED, FOR 13 YEARS.  
I QUIT, BY USING**

**TOBACCO**

**FLAVORED E-JUICE!**

I SMOKED FOR 9 YEARS

I QUIT USING

Lemon Twist

FLAVORED VAPOR

#ADULTSLIKEFLAVORS #PROHIBITIONDOESNOTWORK

I SMOKED, FOR 10 YEARS.  
I QUIT, BY USING

*Fried Ice Cream*

---

FLAVORED E-JUICE!

I SMOKED, FOR 10 YEARS.  
I QUIT, BY USING

Blue Razz. S/ashie

FLAVORED E-JUICE!

**I SMOKED, FOR 10 YEARS.  
I QUIT, BY USING**

*Carolina Cookie*

**FLAVORED E-JUICE!**

**I SMOKED, FOR 13 YEARS.  
I QUIT, BY USING**

Cinnamon Toast Crunch

**FLAVORED E-JUICE!**

**I SMOKED, FOR 12 YEARS.  
I QUIT, BY USING**

*Fruit And Pastry*

---

**FLAVORED E-JUICE!**

**I SMOKED, FOR 3 YEARS.  
I QUIT, BY USING**

*Watermelon*

---

**FLAVORED E-JUICE!**

I SMOKED, FOR 6 YEARS.  
I QUIT, BY USING

Honey Dew Melon Chew

FLAVORED E-JUICE!

I SMOKED FOR 30 YEARS

I QUIT USING

Sic Boy Blue Berry ENTROPY

---

FLAVORED VAPOR

#ADULTSLIKEFLAVORS #PROHIBITIONDOESNOTWORK

I SMOKED FOR **40** YEARS

I **QUIT** USING

**SNOZZYBERRY**

---

**FLAVORED VAPOR**

**#ADULTSLIKEFLAVORS #PROHIBITIONDOESNOTWORK**

I SMOKED FOR **23** YEARS

I QUIT USING

PEANUT BUTTER CANDY

---

FLAVORED VAPOR

#ADULTSLIKEFLAVORS #PROHIBITIONDOESNOTWORK

I SMOKED FOR **15** YEARS

I **QUIT** USING

**MtM. DEW**

---

**FLAVORED VAPOR**

**#ADULTSLIKEFLAVORS #PROHIBITIONDOESNOTWORK**

I SMOKED FOR **10** YEARS  
I **QUIT** USING

**Fruit**

---

**FLAVORED VAPOR**

**#ADULTSLIKEFLAVORS #PROHIBITIONDOESNOTWORK**

I SMOKED FOR **3** YEARS

**I QUIT USING**

*papa murphys*

---

**FLAVORED VAPOR**

**#ADULTSLIKEFLAVORS #PROHIBITIONDOESNOTWORK**

I SMOKED FOR 1 YEARS

I QUIT USING

*Fruits*

---

FLAVORED VAPOR

#ADULTSLIKEFLAVORS #PROHIBITIONDOESNOTWORK

I SMOKED FOR <sup>15</sup> YEARS

I QUIT USING

Fruit Loop - BTK

---

FLAVORED VAPOR

#ADULTSLIKEFLAVORS #PROHIBITIONDOESNOTWORK

I SMOKED, FOR 3 YEARS.  
I QUIT, BY USING

Strawberry Milk

FLAVORED E-JUICE!

I SMOKED, FOR 3 YEARS.

I QUIT, BY USING

fruit Punch

FLAVORED E-JUICE!

**I SMOKED, FOR 11 YEARS.  
I QUIT, BY USING**

*Feast of the Undead*

---

**FLAVORED E-JUICE!**

I SMOKED, FOR 2 YEARS.

I QUIT, BY USING

POP CLOUDS

---

FLAVORED E-JUICE!

**I SMOKED, FOR 7 YEARS.  
I QUIT, BY USING**

*Sa Lt Nic Fruity*

---

**FLAVORED E-JUICE!**

I SMOKED FOR **5** YEARS

**I QUIT USING**

*MINT, MANGO, CINNAMON*

---

**FLAVORED VAPOR**

**#ADULTSLIKEFLAVORS #PROHIBITIONDOESNOTWORK**

**I SMOKED, FOR 18 YEARS.  
I QUIT, BY USING**

**ALL THE**

**FLAVORED E-JUICE!**

**I SMOKED, FOR 25 YEARS.  
I QUIT, BY USING**

*Strawberry Cream*

---

**FLAVORED E-JUICE!**



**I SMOKED, FOR 8 YEARS.  
I QUIT, BY USING**

*Heisenberg*

---

**FLAVORED E-JUICE!**

I SMOKED, FOR 39 YEARS.  
I QUIT, BY USING

ROY MACCALAN

FLAVORED E-JUICE!

**I SMOKED, FOR 21 YEARS.  
I QUIT, BY USING**

*Pink Punch Lemonade*

**FLAVORED E-JUICE!**

**I SMOKED, FOR 29 YEARS.  
I QUIT, BY USING**

*Curtis DeGroot*

---

**FLAVORED E-JUICE!**

**I SMOKED, FOR 42 YEARS.  
I QUIT, BY USING**

*Pink Punch Lemonade*

---

**FLAVORED E-JUICE!**

**I SMOKED, FOR 5 YEARS.  
I QUIT, BY USING**

*Menthol Melon*

---

**FLAVORED E-JUICE!**

I SMOKED, FOR 10 YEARS.  
I QUIT, BY USING

Cherry Flavored

FLAVORED E-JUICE!

**I SMOKED, FOR 6 YEARS.  
I QUIT, BY USING**

**Your Mom**

**FLAVORED E-JUICE!**

I SMOKED, FOR *15* YEARS.  
I QUIT, BY USING

*Wet-Stroke*

---

FLAVORED E-JUICE!

**I SMOKED FOR *10* YEARS**

**I QUIT USING**

*Devils Punch Bowl*

---

**FLAVORED VAPOR**

**#ADULTSLIKEFLAVORS #PROHIBITIONDOESNOTWORK**

I SMOKED FOR 8 YEARS

I QUIT USING

Frosted Cheerios

---

FLAVORED VAPOR

#ADULTSLIKEFLAVORS #PROHIBITIONDOESNOTWORK

**I SMOKED FOR 14 YEARS**

**I QUIT USING**

*Cetad*

---

**FLAVORED VAPOR**

**#ADULTSLIKEFLAVORS #PROHIBITIONDOESNOTWORK**

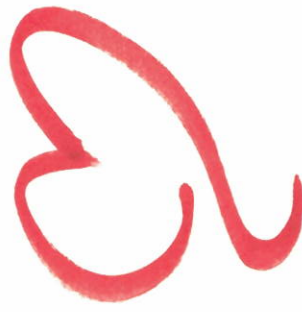
**I SMOKED, FOR *20* YEARS.  
I QUIT, BY USING**

*HELSFUBERG MENTHOL*

---

**FLAVORED E-JUICE!**

I SMOKED, FOR 25 YEARS.  
I QUIT, BY USING

Heisenberg 

---

FLAVORED E-JUICE!

**I SMOKED, FOR <sup>15</sup> YEARS.  
I QUIT, BY USING**

*Unicorn*

---

**FLAVORED E-JUICE!**

I SMOKED, FOR 14 YEARS.  
I QUIT, BY USING

VAPERGAFÉ Donkex

FLAVORED E-JUICE!

**I SMOKED, FOR 25+ YEARS.  
I QUIT, BY USING**

*BUBBLY  
POM EGRAFFE  
D*

---

**FLAVORED E-JUICE!**

**I SMOKED, FOR 10 YEARS.  
I QUIT, BY USING**

**Melton Mix**

---

**FLAVORED E-JUICE!**



**American  
Heart  
Association.**

May 4, 2022

Colorado General Assembly  
Colorado State Capitol  
200 E. Colfax Ave  
Denver, CO 80203

**RE: House Bill 22-1414: Healthy School Meals for All – SUPPORT**

**Sponsors: Rep. Gonzales-Gutierrez, Rep. Michaelson Jenet, Sen. Pettersen, Sen. Fields**

Dear Senators and Representatives,

On behalf of the American Heart Association, I am writing in support of House Bill 1414, Healthy School Meals for All, which would refer a question to voters this November to establish a Healthy School Meals for All program in participating Colorado school districts, while also supporting their ability to purchase healthy and local food.

For nearly two decades, the American Heart Association along with other health and food security partners have advocated to improve the school meals program, including improving school meal nutrition standards as well as making the program accessible to students.

With the economic downturn due to the pandemic, one in four children is food insecure. While the United State Department of Agriculture (USDA) has taken steps to allow the continued service of free school meals, this de-facto free meal service is set to expire June 30, 2022, taking away a critical nutritional resource from children and families as they continue to experience economic hardship.

Over the past year, Colorado districts have seen 20-40% more children utilizing school meals. These are children whose families are struggling with rising costs and could go hungry without this important program.

Aside from the immediate need to reduce child hunger, a body of evidence shows that receiving proper nutrition benefits child development, behavior, ability to learn, and the creation of lifelong healthy habits. This ballot measure, if successful, will create a sustainable way to ensure no child goes hungry because they don't have lunch money.

Right now, more than 35,000 children in Colorado cannot pay for lunch and don't qualify for free lunch. This bill will ensure that each one of them has the nutrition they need to learn and thrive — a great equalizer for all students regardless of family income. Moreover, our schools purchasing more school food from local farmers will bolster the state's economy and support the resiliency of our Colorado farmers.

Equitable access to healthy meals is more important than ever given these uncertain times. HB 1414 will give Coloradans the chance to support Healthy School Meals for All, which would reduce child hunger, improve the school academic environment, help low-income families, and provide economic and social benefits that support Colorado farmers. For these reasons, the American Heart Association is proud to support HB 1414 and respectfully requests your YES vote on this bill.

Sincerely,

*Eric Heydorn*

Eric Heydorn  
Government Relations Director, Colorado  
eric.heydorn@heart.org

American Heart Association  
1777 S. Harrison Street  
Denver, CO 80210



Madame Chair and Members of the Committee,

My name is Jillian Adams Fabricius, Director of Strategic Initiatives with Illuminate Colorado, a statewide nonprofit working to strengthen families, organizations, and communities to prevent child maltreatment.

**I am writing in support of HB22-1414 Healthy Meals for All Public School Students.**

Illuminate Colorado enthusiastically supports this bill being led by the Healthy School Meals for All Coalition due to its capacity to strengthen Colorado families and communities in multiple ways.

***When we work together to build Protective Factors, it is possible to create a Colorado where all children and families thrive, and HB22-1414 does just that by building two crucial Protective Factors- concrete support in times of need and parental resilience.<sup>1</sup>***

**Ensuring all Colorado students have access to school food at no cost increases the economic security of families as well as students' capacity to meaningfully engage in both the academic and social aspects of school.** The CDC's Essentials for Childhood initiative and Technical Package on Preventing Child Abuse and Neglect outlines strengthening household financial security as a strategy to prevent child abuse and neglect.<sup>2</sup>

Existing free and reduced-price meal program income thresholds are far too low to account for all families who need these programs, and only offering free school meals to some students increases the stigma faced by low-income students. Eliminating lunch debts is critical to ensuring that families are able to meet other basic needs and to avoiding perpetuation of stigma for low-income students.

In addition to providing concrete supports to all Colorado students and families, HB22-1414 further strengthens Colorado families and communities by incentivizing the purchase of ingredients from local food systems, increasing wages for individuals employed by school meal programs, and offering healthier meal options to students.

We are particularly encouraged that the bill has the potential to increase Colorado students' and families' ownership of their school food programs by incentivizing the development of Student and Parent Healthy School Meals for All Advisory Committees that are reflective of the student population and focused on ensuring that meals are culturally relevant, healthy, and appealing to all ages of the student population.

Colorado should not miss this proven and timely opportunity to increase families' food and economic security, all while supporting local Colorado food systems and school food program employees. **We urge you to vote 'yes' on HB22-1414 in order to strengthen the economic and food security of families and communities across Colorado.**

Sincerely,

Jillian Adams Fabricius, Director of Strategic Initiatives

[jfabricius@illuminatecolorado.org](mailto:jfabricius@illuminatecolorado.org)

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<sup>1</sup> Center for the Study of Social Policy. (n.d.) About Strengthening Families and the protective factors framework. Retrieved From: <https://cssp.org/our-work/projects/protective-factors-framework/>

<sup>2</sup> Forston B. L., Klevens, J., Merrick, M. T., Gilbert, L. K., & Alexander, S. P. (2016). Preventing child abuse and neglect: A technical package for policy, norm, and programmatic activities. Retrieved from <https://www.cdc.gov/violenceprevention/pdf/can-prevention-technical-package.pdf>

## Testimony in support of House Bill 22-1414 – Healthy Meals for All Public School Students

Submitted by Leslie Colwell – Senate Finance – May 9, 2022

- Thank you for the opportunity to submit written testimony in support of House Bill 1414. I lead Colorado Children’s Campaign’s work on K-12 issues, including the important intersection between school nutrition and children’s physical and mental well-being and ability to learn.
- We enthusiastically support HB-1414 for many reasons – especially for the health benefits that will be available to all kids in the state when we unlock access to free school meals and the removal of low-income stigma and administrative burden for schools to keep track of student lunch debt.
- Our 2021 KIDS COUNT in Colorado! Report highlighted data showing that households with children were the hardest hit by food insecurity during the disruptions of COVID-19. As of early 2022, nearly 2 in 5 Colorado households with kids reported their children were not eating enough because food was unaffordable.
- There is also an important intersection between school meals and school finance. Colorado’s school funding formula includes an “at-risk” factor, which sends additional funds to districts serving students in poverty, based singularly on the submission of free and reduced-price eligibility forms for school lunch. Unfortunately, our reliance on FRL forms no longer produces an accurate count of students experiencing economic hardship, which was made clear during the pandemic. With students learning from home and receiving universal free meals due to a federal two-year waiver, as we saw at-risk student counts decline dramatically. It is time we take a different and complementary approach to both feeding and funding our students.
- Luckily, the General Assembly has been proactive about solving this growing problem. Members of the School Finance Interim Committee have already passed House Bill 1202 this session, which establishes a process for creating a new measure of students experiencing poverty and will allow our state to better direct resources to those kids through the school funding formula. Starting as soon as the 2023 school year, this would shift Colorado away from relying on the submission of FRL forms as the state’s only proxy for poverty in school finance.
- Specifically, the new measure would include the percentage of students certified as eligible for the federal school lunch program based on eligibility for other public benefit programs, supplemented by enrollment in Medicaid/CHP+. This measure is dependent on Colorado’s approval for the federal Medicaid Demonstration Pilot – the same pilot that forms the basis of the Healthy School Meals for All Program.

**Testimony in support of House Bill 22-1414 – Healthy Meals for All Public School Students**

Submitted by Leslie Colwell – Senate Finance – May 9, 2022

- Because of Colorado’s high enrollment rate in Medicaid and CHP+, using Identified Student Percentage (ISP) supplemented with Medicaid could have the effect of automatically capturing a larger number of students who qualify for means-tested social services and reduce the need for schools to collect forms or verify eligibility to receive additional resources to serve these students.
- Shifting to this approach, and away from reliance on FRL forms for schools to receive additional funding, would be complementary to the process laid out in this bill, ensuring that public schools are able to participate in universal free meals programs, have a more accurate count of the students in need of additional resources to support their learning and achievement, *and* face a lower paperwork and administrative burden.
- We support putting the critical issue of providing free meals for all students in front of voters this fall, and urge you to vote yes on House Bill 1414. Thank you for your consideration.

My name is Keagen Murray, I'm 22 years old, I do not vape myself, but I am representing myself and my father. My father smoked cigarettes for the majority of his life; age. For more than 5 years he has been vaping. Since he began vaping he has become healthier, more energetic, and less stressed. This is not my only personal experience with the effects of vaping in its intended form, as others I have seen have had a similar experience. But I believe that's not what you want to hear. The positives will never outweigh the negatives to you. Teen vaping is the focal point of this hearing, which I overwhelmingly agree is a problem that needs action to be taken against. Though I do not agree in banning flavors. Flavors are undeniably the main reason many people vape as opposed to smoking. This bill would deny those people their right to choose. It seems you forget it is already illegal for

minors to buy vaping devices. As well as for it to be bought for them. I also truly believe the teen vaping trend we have seen surface in the past year is just that, a trend, one that has already began to die out much Like the Tide pods and many before it. But that's not my point. My point is simply this, my father will live a lo ger life die to vaping. Not one soul at this hearing is opposed to denying teens access to vapes, many would be happy to see their access nullified in full. But I believe you are smart people, you know those that want, will get. No amount of legislation will change how people are. You will create a black market where instead of stores who care if minors are buying vape products, they will be replaced by shady people desperate for every dollar, and these same minors youseek to protect; their main consumer base. We've already seen what these sellers will do, the lacing and cutting of products, The problem will become larger than it is now. I ask for you

to reconsider and truly see the hidden consequences; those currently vaping teens and adults alike, may simply turn to cigarettes, or the aforementioned dark alternative will be their choice. I beg for you to see the right solution to a complicated problem, save our adults, and our children, as I truly believe if you wanted a better result you would be pushing for it instead. clamp down harder on illegal purchases. But leave adults the option to enjoy their lives. Thank you.

**Colorado Senate Finance Committee**  
**Testimony: HB22-1064**  
**Guy Bentley, Director of Consumer Freedom, Reason Foundation**  
**May 9, 2022**

Chair Gonzales and members of the committee,

Thank you for allowing me the opportunity to submit testimony on HB22-1064.

My name is Guy Bentley, and I am the director of consumer freedom at the Reason Foundation, a 501(c)3 nonprofit think tank. The consumer freedom project analyzes and promotes policy solutions that improve public health while avoiding unintended consequences and protecting consumer choice.

The intention behind this bill to limit tobacco use, especially among youth, is to be applauded. However, the evidence on the success of such prohibitions should raise significant concern that the ban will promote further inequalities in the criminal justice system, push sales and tax revenue to other states, increase the illicit tobacco trade, and fail to improve public health in Colorado.

**Case Studies: Massachusetts, Canadian Provinces, and the European Union**

Massachusetts' ban on flavored tobacco products went into effect in June of 2020. The Reason Foundation has conducted an analysis of the ban's impact which compared cigarette sales in Massachusetts the year prior to the ban and the year following the ban's implementation. We found that there was a net increase in cigarette sales of 7.2 million packs within Massachusetts and across its bordering states.<sup>1</sup>

These figures underestimate cross-border trade because they do not also account for lost sales of flavored e-cigarettes, smokeless tobacco, or cigars. Massachusetts also saw a 15.6 million pack increase in non-menthol cigarette sales as consumers switched brands. According to the Tax Foundation, Massachusetts lost \$125 million in tobacco revenue for the fiscal year 2021.<sup>2</sup>

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<sup>1</sup> Jacob Rich. "Estimates of Cross-Border Menthol Cigarette Sales Following the Comprehensive Tobacco Flavor Ban in Massachusetts." MedRxiv. April 27, 2022.

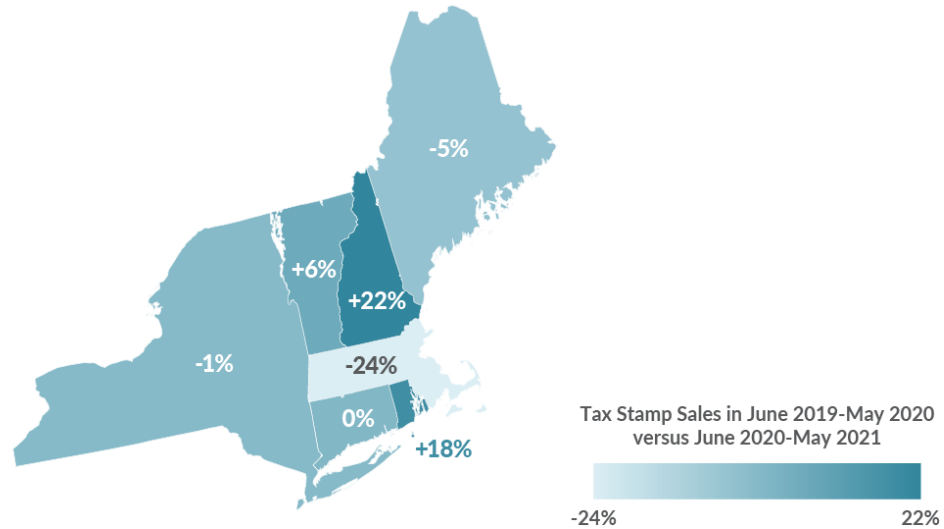
<https://www.medrxiv.org/content/10.1101/2022.04.24.22274236v1>

<sup>2</sup> Ulrik Boesen. "Massachusetts Flavored Tobacco Ban: No Impact on New England Sales." Tax Foundation. February 3, 2022.

<https://taxfoundation.org/massachusetts-flavored-tobacco-ban-sales-jama-study/>

## Tobacco Flavor Bans Move Sales to Neighboring States

Tax Stamp Sales in June 2019-May 2020 versus June 2020-May 2021



Source: Orzechowski & Walker Survey of State Departments of Revenue; Author's calculations.

Furthermore, according to a study published by the *Journal of Law and Economics*, Canadian provinces' menthol prohibition significantly increased non-menthol cigarette smoking among youths, resulting in no overall net change in youth smoking.<sup>3</sup> As for adult smokers, provincial menthol bans simply shifted smokers' cigarette purchases away from grocery stores and gas stations.

The world's largest experiment in menthol prohibition is the European Union, which includes 27 countries and a population of 447 million people. The EU ban became effective in May of 2020. Prior to the ban Poland had the largest menthol cigarette market in the EU, making up 28 percent of total sales. An analysis funded by the Norwegian Cancer Society in partnership with the Polish Ministry of Health found there was no statistically significant decline in cigarette sales.<sup>4</sup> These results are important not just because they demonstrate an immediate economic impact on jurisdictions that introduce prohibition but, thanks to cross-border trade and the

<sup>3</sup> Christopher Carpenter, Hai V. Nguyen. "Intended and Unintended Effects of Banning Menthol Cigarettes." *The Journal of Law and Economics*. August 2021. <https://www.journals.uchicago.edu/doi/abs/10.1086/713978>

<sup>4</sup> Liber, Alex C. and Stoklosa, Michal J. and Levy, David and Sánchez-Romero, Luz María and Cadham, Christopher J. and Pesko, Michael. "A Bite-Style Model to Evaluate Poland's Menthol Cigarette Ban." Available at SSRN: <https://ssrn.com/abstract=3946277>

substitution of non-menthol cigarettes, any health benefits are severely limited. In other words, the loss in tax revenue is unlikely to be made up by lower healthcare costs.

### **Public Health and Disparate Impacts**

Advocates for the prohibition of menthol cigarettes correctly observe that a disproportionate number of Black smokers choose menthol products. In Colorado, some hope the ban will dramatically reduce the state's smoking rate. While these populations are more likely to use a menthol product while White smokers are more likely to use a non-menthol product, smoking prevalence is, in fact, lower among Black youth and adults.

Black non-Hispanic youth are less likely to smoke than their White peers.<sup>5</sup> In Colorado, 4.3 percent of White high schoolers smoked in 2019.<sup>6</sup> For Black Colorado high schoolers, the numbers were so low as to not be statistically significant. These data conform to Reason Foundation's study published in 2020 showing that states with higher menthol cigarette use tend to have lower, not higher, youth smoking rates.<sup>7</sup> From a public health standpoint, as Black adults and youth smoke at lower rates than non-Hispanic Whites, it's hard to ascertain why non-menthol cigarettes, which are equally dangerous, will not be subjected to prohibition and menthol products will be.

Because menthol cigarettes are overwhelmingly the choice of minority smokers, prohibition will necessarily lead to a concentration of the illicit tobacco market in minority communities. The American Civil Liberties Union and other civil rights groups warn prohibition could disproportionately impact people of color, trigger criminal penalties, and prioritize criminalization over public health and harm reduction.<sup>8</sup> The National Organization of Black Law Enforcement Executives (NOBLE), Grand Council of Guardians (GCGNY), National Association of Black Law Enforcement Officers (NABLEO), and Law Enforcement Action Partnership (LEAP) have argued that prohibitions of all kinds disproportionately affect communities of color, and this is especially the case when it comes to banning menthol cigarettes.<sup>9</sup>

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<sup>5</sup> Gentzke AS, Wang TW, Jamal A, et al. Tobacco Product Use Among Middle and High School Students — United States, 2020. <https://www.cdc.gov/mmwr/volumes/69/wr/mm6950a1.htm>

<sup>6</sup> Centers for Disease Control and Prevention. "High School Youth Risk Behavior Survey: Colorado Results." 2019. <https://nccd.cdc.gov/youthonline/app/Results.aspx?LID=CO>

<sup>7</sup> Guy Bentley and Jacob Rich. "Does Menthol Cigarette Distribution Affect Child or Adult Cigarette Use?." Reason Foundation. January 30, 2020.

<https://reason.org/policy-study/does-menthol-cigarette-distribution-affect-child-or-adult-cigarette-use/>

<sup>8</sup> American Civil Liberties Union. "Coalition Concerns with Blanket Prohibition on Menthol and Other Flavored Tobacco within H.R. 2339, Reversing the Youth Tobacco Epidemic Act."

<https://www.aclu.org/letter/coalition-letter-criminal-justice-concerns-hr-2339-reversing-youth-tobacco-epidemic-act>

<sup>9</sup> Franklin, Neil. "Ban on Menthol Cigarettes Would Have Unintended Consequences." *City Limits*. December 2, 2019.

## **Food and Drug Administration Review and Tobacco Harm Reduction**

Last year, the Food and Drug Administration authorized an e-cigarette as “appropriate for the protection of public health” for the first time. The FDA is also currently reviewing e-cigarette product applications that contain reams of data on safety, efficacy, and potential threats to youth. If the FDA finds that any product is a net harm to public health, it will be removed from the market. But if the product is deemed to be net beneficial, it will be authorized for sale as appropriate for the protection of public health.

If Colorado chooses to ban these products prior to the FDA concluding its review, it would limit consumer access to products the FDA may deem as a positive for public health. According to a survey conducted by the International Tobacco Control Policy Evaluation Project, 57 percent of vapers said they would continue vaping if flavors were banned and half said they would find a way to get their preferred flavor. Of most concern was the finding that close to one in five vapers said they would stop vaping and smoke instead.<sup>10</sup>

While prohibiting e-cigarette flavors other than tobacco may seem an attractive solution to the problem of youth vaping, policymakers should recognize that, according to the 2021 National Youth Tobacco Survey (NYTS), 89 percent of high schoolers are not using e-cigarettes at all and 95 percent are not using them frequently. Youth vaping has also fallen to its lowest point in seven years.<sup>11</sup> Data released by the Centers for Disease Control and Prevention (CDC) shows flavors are not the leading reason why youth initiate vaping. According to the CDC, the primary reason youth initiate vaping is curiosity, followed by use by a friend or family member. Availability in flavors, such as mint, candy, fruit, or chocolate comes as a very distant third.<sup>12</sup> Banning flavored tobacco products may also induce perverse outcomes contrary to the promotion of public health among adolescents.

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<https://citylimits.org/2019/12/02/opinion-ban-on-menthol-cigarettes-would-have-unintended-consequences/>

<sup>10</sup> Gravely, Shannon et al. “Responses to potential nicotine vaping product flavor restrictions among regular vapers using non-tobacco flavors: Findings from the 2020 ITC Smoking and Vaping Survey in Canada, England and the United States.” *Addictive Behaviors*. Volume 125. February 2022.

<https://www.sciencedirect.com/science/article/pii/S0306460321003373?via%3Dihub>

<sup>11</sup> Park-Lee E, Ren C, Sawdey MD, et al. Notes from the Field: E-Cigarette Use Among Middle and High School Students — National Youth Tobacco Survey, United States, 2021.

[https://www.cdc.gov/mmwr/volumes/70/wr/mm7039a4.htm?s\\_cid=mm7039a4\\_w](https://www.cdc.gov/mmwr/volumes/70/wr/mm7039a4.htm?s_cid=mm7039a4_w)

<sup>12</sup> Wang TW, Gentzke AS, Creamer MR, et al. “Tobacco Product Use and Associated Factors Among Middle and High School Students — United States, 2019.” *MMWR Surveill Summ* 2019;68(No. SS-12):1–22. [https://www.cdc.gov/mmwr/volumes/68/ss/ss6812a1.htm#T6\\_down](https://www.cdc.gov/mmwr/volumes/68/ss/ss6812a1.htm#T6_down)

In 2018, San Francisco banned the sale of all flavored tobacco products, including e-cigarettes with flavors other than tobacco. Yale University’s Abigail Friedman found that after the ban was enacted, San Francisco area youth had double the odds of smoking compared to similar jurisdictions with no tobacco flavor ban.<sup>13</sup> “While neither smoking cigarettes nor vaping nicotine are safe per se, the bulk of current evidence indicates substantially greater harms from smoking, which is responsible for nearly one in five adult deaths annually. Even if it is well-intentioned, a law that increases youth smoking could pose a threat to public health,” said Friedman.

According to a 2020 study by researchers at Yale School of Public Health, the use of e-cigarette flavors is positively associated with smoking cessation outcomes for adults but not associated with increased youth smoking.<sup>14</sup> The prestigious Cochrane Review concluded e-cigarettes are more effective than traditional nicotine replacement therapies for helping smokers quit.<sup>15</sup> Prohibition of flavored e-cigarettes, which are overwhelmingly the choice of adult vapers, risks fueling illicit markets, forcing the closure of Colorado vape shops, and driving vapers back to smoking.

Thank you for your time. I would be happy to answer any questions.

Guy Bentley, Director of Consumer Freedom, Reason Foundation  
guy.bentley@reason.org

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<sup>13</sup> Friedman AS. “A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of Flavored Tobacco Products in San Francisco, California.” *JAMA Pediatr*. Published online May 24, 2021. doi:10.1001/jamapediatrics.2021.0922

<https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248>

<sup>14</sup> Abigail S. Friedman, PhD; SiQing Xu, BS. “Associations of Flavored e-Cigarette Uptake With Subsequent Smoking Initiation and Cessation.” *JAMA*. June 5, 2020.

<https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2766787>

<sup>15</sup> Cochrane Review. “Updated Cochrane Review shows electronic cigarettes can help people quit smoking.” October 14, 2020.

<https://www.cochrane.org/news/updated-cochrane-review-shows-electronic-cigarettes-can-help-people-quit-smoking>

BANNING MENTHOL CIGARETTES AND FLAVORED TOBACCO:  
MAKING THE WAY FOR INCREASED DISPARATE CONTACT  
WITH THE CRIMINAL JUSTICE SYSTEM

Sonia Y.W. Pruitt  
Telephone: 240-876-7358

Concerned Citizen  
Retired Police Captain, Maryland  
Past-National Chairwoman, National Black Police Association  
Founder, The Black Police Experience  
Professor of Criminal Justice, Montgomery College, Maryland  
Altria Consultant

I am a former police captain, social advocate, professor of criminal justice, and mother and aunt of young Black men, and my mother is a smoker. My father was a smoker—he passed away four years ago after a battle with cancer and after a massive stroke. Either or both of those could have been related to his life-long smoking habit. I am very concerned about how smoking will affect my mother’s health as she gets older.

A vast amount of my time is spent pondering, studying, and remarking on police reform issues both nationally and abroad. Many of these are the issues that cause a disparate impact when members of the Black community are involved in police encounters. Through these lenses, I register my objection to House Bill 22-1064.

In 2009, the Family Smoking Prevention and Control Act gave the Food and Drug Administration (FDA) the authority to regulate tobacco products. FDA research found that the use of menthol cigarettes impacts people of color, as it tends to be their choice of cigarette. The idea of banning menthol cigarettes to stem smoking in the Black community gained traction. Unfortunately, public policy experts did not adequately weigh the disparate impact the ban would have on communities of color by increasing police encounters. In 28 years in law enforcement, I observed how even the best-intentioned laws seemed to impact disadvantaged communities the most. From the Supreme Court’s support of pretextual stops to the racial inequities in crack cocaine sentencing, our communities of color are being adversely affected, and its citizens amassing arrests, criminal records, and jail time for minor offenses. These stress community financial and mental health resources, and places families on a downward spiral difficult to recover from.

Should the bill pass, an underground economy will undoubtedly be created, because the demand for menthol cigarettes will still exist in the Black community. Those members of the community will look to buy from someone they trust, which will likely be another Black member of the community. The seller may have purchased menthol cigarettes legally from Wyoming or from another state, but then crossed state lines. He may have bought them to stock up for his own personal use but decides to sell to a friend when asked. The selling of those legally purchased cigarettes is witnessed by a police officer, who may decide it is worth it to investigate further, since the illegal market on menthol cigarettes has increased. That officer may be thinking that there

is more criminal activity afoot—he knows that with an illegal market comes other illegal activities, guns, illegal drugs, etc. Not finding anything but the illegal sell of the cigarettes, and several cartons in the seller’s possession—the officer can then charge the seller with a Class 5 Felony, because once contact is made, an officer will likely make an arrest. In this situation, the consequence of selling just one pack of menthol cigarettes from one friend to another, could result in another Black person being charged with a felony, paying a fine of \$1000 to \$10,000, potential incarceration of up to 5 years in prison, and being placed on mandatory parole for two years following any period of incarceration. In addition, an arrest for cigarette reselling or smuggling would also provide grounds for revocation of probation, another setback for someone who is trying to make it in a situation where options are stacked against them. I do not think the unintended consequences of passing this bill is worth the incredible harm that it can potentially cause the Black or other communities, already under siege by an unfair criminal justice system.

For those who think police officers will not waste their time on such activity, my opinion is that, from my lived experience, police officers will always look for the easiest way to approach and detain a subject to investigate further for serious criminal activity, whether it be a traffic stop for a tail light out, or an approach due to an exchange of cigarettes. Colorado’s 2020 policing reform legislation is some of the most progressive state policing reform law in the country and appropriately so, as incidents such as the death of Elijah McClain highlights the need for comprehensive laws that will hold law enforcement accountable for criminal and unethical actions. We do not need more tragic incidents created through the over-policing of a group of people to take us to another summer of protest and unrest.

We know from history that prohibition in this country has never worked. It did not work with the proscription of alcohol in the 1920’s, and the gradual legalization of marijuana across the country holds that prohibition has not worked with marijuana either. Colorado legalized marijuana for recreational use for adults over 21, becoming one of the first states to do so. Colorado has also decriminalized marijuana, because we know that marijuana has led to disparate mass incarceration of people of color, starting with officers stopping drivers, and claiming to “smell marijuana” in order to search a vehicle, right up to Three Strike laws that made carrying certain amounts of marijuana a felony, even if the marijuana was for personal use. Colorado has responded to these disparities surrounding marijuana well. Passing HB 22-1064 would take the people of Colorado in the wrong direction with flavored tobacco and would replace marijuana with cigarettes as the tool for disenfranchisement for an entire community.

I ask that House Bill 22-1064—which would create a ban on the sale of all flavored tobacco and nicotine products including menthol cigarettes—be abandoned, and that the approach to the problem of smoking in the Black community be backed by sound public health policy, community education, harm reduction, and sufficient resources. Tobacco use concerns should be addressed in a humane, responsible, and educated way, designed to empower communities. Outlawing a subset of a product that is used by choice by adults is unlikely to work with flavored and menthol tobacco products. Black people will continue to use a product that has been deemed illegal, while all other subsets of tobacco will continue to be legal to use, resulting in a disparate impact by an unjust criminal justice system, under the guise of public health advocacy.

Madam Chairwoman and Esteemed Members of the Senate Finance Committee:

My name is Zachary Benson, one of your constituents from the beautiful oasis that is Castle Rock. I am the only employee of the Streamline Group, manufacturer of the Juice Head brand of E-liquids and disposable vapes, who is living in the State of Colorado. I make my living by working with the wonderful small business owners you've heard from today who own vape shops throughout our wonderful state to expand their businesses and our own.

I do not wish to bore, nor patronize you with the details as to why vaping and smoking are entirely different means of nicotine consumption. I am sure you are aware of the actual peer reviewed studies about the significant differences the proponents of this bill will not discuss, as they are conflating nicotine use with tobacco use as if they are the same, which of course they are not. I would however like to point out that prohibition style banning of all products to address the "teen vaping" issue, an issue that is already on the decline and an issue that these vape shop owners actively safeguard against, will put thousands of Coloradans out of work. Furthermore we will see the tax revenue from nicotine sales be comprised in this state only from people who are already actively smoking or will revert to smoking combustible tobacco, a direct indication that the proponents mechanism for paying this bill in healthcare savings is not based in fiscal reality.

There is a significant tax revenue shortfall that will be created by those, myself included, who have quit using combustible tobacco and will not return to the deadly product. Once again, the proponents of this bill claim they can pay for this bill through a fictitious windfall in Healthcare savings. The tax revenue decrease in Massachusetts after a full flavor ban begs to differ. For those Coloradans who have used vaping as a cessation method, their only option will be to purchase flavored nicotine products from another state or return do the grips of big tobacco and become cigarette smokers once again. Should this bill pass, we may as well start sending our money to Wyoming for their schools without delay.

I know that this has been an immensely lobbied effort from Michael Bloomberg's Campaign for Tobacco Free Kids on one side and Altria and RJ Reynolds aka big tobacco on the other. The ultimate loser here upon passage of this bill is neither of those entities, rather honest Colorado small business owners promoting a product that has helped millions quit smoking combustible tobacco.

What I am asking you to consider is to revisit the age-restricted store amendment that was originally passed in the House Health and Insurance Committee and was later removed by the House Finance Committee. This amendment allowed for the continued operation of vape shops that participated in a somewhat stringent but acceptable level of oversight involving age restricting their stores, tracking purchases by people of legal age in case items were found with minors later, and the use of ID scanners similar to those found at liquor stores. While I am against this bill in its entirety on the basis of a fundamental opposition to prohibition style laws, I am not naïve to the fact that a compromise may be our only path forward here.

Finally, as a matter of policy, I would like to point out that Colorado voters overwhelmingly voted in favor of Ballot Proposition EE which read: "Shall state taxes be increased by \$294,000,000 annually by imposing a tax on nicotine liquids used in e-cigarettes and other vaping products that is equal to the total state tax on tobacco products when fully phased in, incrementally increasing the tobacco products tax by up to 22% of the manufacturer's list price, incrementally increasing the cigarette tax by up to 9 cents per cigarette, expanding the existing cigarette and tobacco taxes to apply to sales to consumers from outside of the state, establishing a minimum tax for moist snuff tobacco products, creating an inventory tax that applies for future cigarette tax increases, and initially using the tax revenue primarily for public school funding to help offset revenue that has been lost as a result of the economic impacts related to COVID-19 and then for programs that reduce the use of tobacco and nicotine products, enhance the voluntary Colorado Preschool Program and make it widely available for free, and maintain the funding for programs that currently receive revenue from tobacco taxes, with the state keeping and spending all of the new tax revenue as a voter-approved revenue change?"

Less than two years later the State Legislature is seeking to eliminate a massive portion of that tax revenue for our public schools, preschools, and rural schools and paying for it only with revenue saved in theory yet not in practice. This is the Legislature actively ignoring the wishes of the voters and trying to overreach with a law that accomplishes little to nothing in terms of solving the problem they allege is a public health crisis. The fiscal gymnastics required to support this bill are extensive and I ask for your opposition to the bill as a whole but advocating as a proponent of an age restricted amendment if absolutely necessary to ensure that these small business owners and Colorado constituents who are against the use of combustible tobacco can continue to operate and make healthier nicotine consumption possible.

Thank you for your time in reading this long written testimony, which was created from my notes I planned to testify with this afternoon.

Respectfully,

Zachary Benson  
Business Development Executive  
The Streamline Group

Good afternoon and thank you for taking the time with your busy schedules to hear all of us out on this issue today. My name is Chris and I am here before you today to defend my choice to vape the flavors that I choose. I believe strongly that it is wrong that you are once again trying to ban flavored vaping products. When it has helped many of our customers and myself to quit smoking cigarettes. Many of our customers have quit cigarettes and have lowered their nicotine levels to zero to quit or they have successfully quit nicotine products all together. This is in part due to the fact that vaping gives us the option to choose our nicotine levels and work our way down to quit. Cigarettes do not give you this option and the majority of the option for quitting cigarettes is to use just another method that delivers nicotine. I do understand that vaping is in the same category but as I said earlier we have the ability to lower our nicotine down to zero. By trying to take away flavors you are taking away our rights to choose for ourselves how we want to quit nicotine and are only leaving us with one option that is known to cause long term health concerns. This will just keep people on cigarettes and make it so that anyone turning 21 has only one option for how to use nicotine if they choose to do so at all.

Vaping helped me quit smoking cigarettes nine years ago. At this point I can not stand even the smell of a cigarette or being around people who are smoking. It has also helped kept my son from being around the smell of cigarettes cause my cloths, home and car never smell like a cigarette. Working in the industry has also helped me better take care of my son as it is a good working environment and a good paying job. By banning flavors you will in effect be taking away the income of many people in the state by shops closing down. If this happens I will lose my income and the way that I support my son. You would also be taking away a major revenue source from the state by the loss of taxes the industry brings in and if you haven't seen our road in the springs this would be a bad thing.

In the shop that I work at we check ID's the same way they do in a dispensary or recreational shop. It does not matter the persons age we check their ID and if they do not have it with them we will not sell to them until we check the ID. We do not allow anyone under the age of 21 in the store. This includes young kids who are with their parents. If someone under 21 comes in with their friend we will not sell to them to make sure that they are not buy anything for the person who is under 21. We also put a limit on how much one person can buy of anything in the store to help ensure that people are not using our store to sell to minors. If you want to try and curb the sales of nicotine products to minors then I would suggest making so gas stations and convenience stores can't sell nicotine products. If you make them be sold in a different location that makes it more difficult for minors to go in and buy them. That will help stop these products from getting into the hands of minors. We do everything we can to make sure that our products are not getting into the hands of minors in anyway.

Once again thank you for taking the time to hear all of the opinions of everyone here.

Good Afternoon and thank you for your time on this very important issue. I am here today in opposition of Hb-1064.

Myxed Up creations has and continues to be a responsible and ethical retailer in Colorado. We strive to educate our customers and community at large about responsible consumption of the vaping products we sell. We do not condone the sale of any of our merchandise to anyone without proper identification or anyone under the required age for entry to our stores. We are deeply committed to keep these products out of the hands of children and young adults.

We do not support the message that Juul continues to flood the market with, and we do not sell JUUL products. Shops like Myxed up for example carry devices, accessories, and juices that are 4 times more expensive and harder to conceal than the disposables that are currently discussed. Adults are the ones investing in these types of products and the maintenance that is required to keep them functional. As we saw at the council meeting last month, the devices that were presented were not open tank vaping devices that are sold at my store. Juul's irresponsible and reprehensible actions have tarnished the reputation of the approximate 150 responsible, small vaping shops in Colorado, who continue to advocate for adults who want to quit smoking cigarettes.

This bill passing will bankrupt the industry. In a state that is still recovering from the effects of Covid-19 and the national shut down, this seems irresponsible and shortsighted. Our business and businesses like us will not be able to sustain if over 80% of our products are eliminated. We could be out of business in less 30 days. This will put people who want to work, out of work. A bill of this nature will create an unnecessary strain on our resources as a city and as a state and create a dependency that will affect everyone.

Historically speaking, Prohibition does not work. The unintended effects of banning products such as these could include a rise in violence as these products become harder to obtain, minors and young adults will seek out alternative means to acquire the devices, and an open door essentially to black market sales and a disregard for public health and safety. It will also devastate the current economy and tax revenue. By eliminating sales in Colorado, this will increase the sales of these products in surrounding states. The state will lose annually between \$75 and 100 million dollars in direct taxes. Currently, 95% of store owners lease their space. These leases contribute to property taxes for the municipality.

We listen to our customers. They have expressed major concerns and fear about the possibility of losing the vapes and equipment that they have become accustomed to, in order to eliminate the desire to utilize combustible cigarettes. With the initiation of this bill many may turn back to traditional smoking. A very concerned council member had mentioned the effect of smoking on the healthcare system. She had made a point about the rising cost of insurance premiums. While that had little effect on Denver county specifically, a statewide ban would be detrimental to the public who already contends with an overpriced healthcare system, that actively works to cripple our nation.

We ask again for you to consider allowing shops like ours to move to 21+ sales. Allow specialty shops to legally sell flavored vapes and accessories. Create stiffer fines for stores selling vaping products to minors. Eliminate marketing for these products. Require id scanners and mandatory swipes at all age restricted stores. Treat specialty shops like Marijuana dispensaries. We ask you to make this change with us, not against us.



Hi, I am an active voter, Democrat, and constituent. I was born in Colorado and live here with my family years later. I have written multiple times and called my representatives about this bill, HB 22-1064. I am asking you to vote no.

This bill is uninformed and the unintentional consequences would be disastrous for people across the state. Even with the sorely needed amendments, it will reduce vaping use in general. Which sounds good in theory, but it will increase use of combustible cigarettes as the alternative. A study funded by Cancer Research UK, that included researchers from multiple institutions including our own Center for Disease Control and Roswell Park Cancer Institute looked into vaping. This study was also peer reviewed and published in the Annals of Internal Medicine. The findings compared traditional combustible cigarette use to non-combustible types, i.e. vaping and discovered that vaping was more than 95% safer than traditional combustible cigarettes. Not only were there significantly lower levels of cancer-causing chemicals such as TSNAs and VOCs found, but the levels in former smokers were reduced by 97% over people still smoking combustible cigarettes or smoking both. They had lower overall levels of tobacco-related toxins and carcinogens.

Not only that, but research found that in lieu of medicated cessation treatment from a doctor directly, vaping was the second most effective cessation method for combustible cigarette smokers. The results are similar to people using nicotine replacement therapy, and more accessible than a doctor and medication in a country without universal healthcare. I am one of the millions of people who was able to stop smoking cigarettes entirely thanks to vaping. It allows people to control the nicotine level and reduce it over time so they can eventually be left with zero nicotine and only an oral habit to break. Cigarettes allow no such customization or flexibility, preventing people from tailoring their own cessation method to their needs.

While illness in the lungs and 70 deaths from vaping cannot be ignored, those deaths were proven to be from contaminants in the vaping liquid. In the UK, no incidents of harm have come to vaping users because they chose to regulate the liquid's composition itself and therefore allow safe options for people. This would be the intelligent, research-backed, and safest choice here. I have purchased liquid from local stores that instantly cause pain and had to throw them away. It is hard to know where to trust because we make knee-jerk reactions like banning flavors or looking at vaping in a silo absent of research or comparisons to combustible cigarettes instead of proven methods that help protect people, allow safer options, and prevent known problems.

While no one wants teenagers smoking, we have no evidence that going after vaping is the correct path. In fact, evidence points to the opposite - making it less appealing is likely to increase combustible cigarette use in teens again which causes more harm, not less. There is currently no evidence that vaping leads to combustible cigarette use, however. The Surgeon General report in 2012 mentioned in the bill has not been proven. In fact, the UK study which was much larger and peer-reviewed showed that young people start using substances regardless, but vaping provides a more than 95% safer alternative to combustible

cigarettes. Youth nicotine use has continued to decline despite flavored vaping liquids, so this approach is not research-based or logical. The prevention of advertising or signage being able to discuss non-tobacco flavors or scents is not wise. Knowing you don't smell terrible to others, and that you don't have to taste awful smells is part of the draw of switching to vaping over combustible cigarettes.

So again, I'm asking you to please not pass this bill. Instead, please look into regulating vaping liquid, as that is the only option thus far that is actually researched-based and does help protect the health and lives of Coloradoans. I appreciate you trying to protect our children and us, but you are going about it the wrong way. Please utilize existing research and do the moves that have been shown to help, rather than things like this that don't.

Thank you again.

## **Testimony in opposition to: HB22-1064 Prohibit Flavored Tobacco Regulate Synthetic Nicotine**

May 9, 2022

I have worked in various think tank roles over the last twenty years with a focus on reducing the harm from smoking.

We have succeeded in lowering smoking rates significantly in the US, including in Colorado, for a wide range of reasons.

Certainly, among those reasons is lower-risk alternatives to cigarettes. The U.S. FDA, under Republican and Democrat administrations alike, have authorized a range of lower risk products, from menthol-flavored heated tobacco to some e-cigarettes. The FDA, when deciding whether to authorize a tobacco product, which now, under recently passed legislation, includes synthetic nicotine products, considers, as required by law, whether the marketing of that product would be a benefit to the public health.

In cases where the FDA has authorized products, the agency's conclusions have been consistent: The cumulative risks (to individuals and to the population as a whole, with a special emphasis on youth), from the product under consideration is outweighed by the benefit of adult smokers switching from combustible cigarettes to the lower risk non-combustible alternative.

Survey data from the US and around the world indicate that, for adult smokers, the availability of flavored lower-risk products are important to help smokers not only transition away from cigarettes, but critically, to maintain their cessation. Former smokers indicate that their sense of taste is one of the first benefits of quitting smoking, and they realize that they actually don't like the burnt tobacco flavor, they just thought they did, because they were enjoying the nicotine. By taking away flavored lower-risk alternatives to cigarettes, the legislation under consideration is likely to inadvertently undermine this public health opportunity. Indeed, it would also undermine the careful balancing work that the FDA is doing, to both help adult smokers quit, as well as protect youth from initiation of any nicotine product.

Furthermore, a ban on flavored tobacco products has other risks. At a time when we are united in reducing unnecessary interactions between minority communities and law-enforcement, by banning menthol cigarettes, the flavor of choice among adult minorities, we are likely to increase the types of interactions we saw in my home-city of New York City, where Eric Garner died in a police interaction related to the sale of loose cigarettes.

Civil rights advocates agree that reduced interactions lead to better outcomes. The state of Colorado has seen this benefit from the regulated legalization, of marijuranana. By banning the cigarette of choice among African Americans, we will repeat the mistake of the past.

To improve public health, the state of Colorado should work with communities and educators to double down on enforcement and education to prevent youth initiation of any nicotine product. The state, like the rest of the country, has seen gains in this area in recent years, with a sharp drop-off in youth vaping. We'd all like to see lower numbers, and with FDA regulation, continued education and appropriate enforcement of existing laws, we can achieve those gains without harming adult smokers who seek --and need-- flavored lower risk alternatives to combustible cigarettes.

Sincerely,  
Jeff Stier

CHALOTTE FELTON – I am the Chief Financial Officer and Human Resource Manger for Vapor Source and have worked with the company since 2012

From a personal and business point – I oppose the flavor ban; however, I encourage adult only vapor sales and enforcement and I encourage eliminating disposable ecigs.

VAPOR SOURCE ONLY ALLOWS INDIVIDUALS 21 AND UP INTO STORES - WE ID EVERYONE AND USE ID SCANNERS

THIS BILL WILL not only impact our business but will have an enormous impact on our employees. Many of us have made this our career

VAPOR SOURCE HAS 9 locations in Colorado and 34 EMPLOYEES THAT SUPPORT OVER 100 FAMILY MEMBERS

WE PROVIDE HEALTH AND DENTAL INSURANCE TO EMPLOYEES AND in 2021 PAID 1.4 MILLION for insurance and wages

In addition, in 2021, WE PAID OVER 670 THOUSAND FOR CITY, STATE AND NICOTINE taxes

In 2021, Vapor Source SOLD ALMOST 65,000 BOTTLES OF ELIQUID AND ONLY 3500 WERE TOBACCO FLAVORED. That is an enormous difference. This will kill our business.

I SMOKED FOR 18 YEARS, I QUIT USING FLAVORED vapes and I now detest tobacco flavored products. I am a healthier version of the cigarette smoking person that couldn't even climb a set of stairs without being winded.

Our responsibility as parents is to keep alcohol, cigarettes and drugs out of the hands of our children, vape is no different. Regulate the sales of vape products and strengthen enforcement, then place the responsibility back where it belongs, with parents, and leave the choices of adult vapers alone.

Thank you for your time today.

My name is Ximena Rebolledo León and I represent the Telluride region as a registered nurse, as a former teacher, and as a mother of a pre-schooler. This letter is to provide testimony strong support of House Bill 22-1414; Healthy Meals for All Public School Students.

Food insecurity is a reality for many in our state, even in affluent communities such as Telluride. As part of my job as a nurse I conduct Social Determinants of Health screenings and lack of food is an ever-present issue for many in this area. Our local food bank provides food to a staggering number of families weekly. Healthy Meals for All Public School Students would help alleviate this ongoing food insecurity.

As a nurse, I am also very aware of the growing number of students who are being diagnosed with type 2 diabetes – a diagnosis that was once reserved for adults. We know this is directly linked to a lack of access to healthy foods. Healthy Meals for All Public School Students would help offset this growing medical crisis.

Our resort community has a large working population and an extremely high cost of living. I have friends who must make the difficult decision of either paying the rent or having healthy food on the table. Unfortunately, when funds are tight, the first thing that gets cut is nutritious food. Healthy Meals for All Public School Students would at least provide one well-rounded meal a day for students.

As a former high school math teacher, I am familiar with the challenging social dynamics that are at play within a school setting. The stigma of being a low-income kid receiving free lunch is an unnecessary social challenge at a critical developmental time. Healthy Meals for All Public School Students would create a more equitable and inclusive environment in school.

All students would benefit from this. There are people in need everywhere, regardless how wealthy a school might be. Please, pass this legislation. It behooves you to do so not only because it makes sense, but because investing in our youth is a commitment to our future.

I urge you to vote “yes” on House Bill 22-1414. Thank you.

**Submitted by:** Ximena Rebolledo León, Registered Nurse, Telluride Regional Medical Center, 970-728-3848 or [xrebolledo@tellmed.org](mailto:xrebolledo@tellmed.org)