

Chair Carpenter, Vice Chair Kessler, and esteemed members of the House Committee on Federal and State Affairs,

I stand before you today to express my strong support for House Bill 2801, a crucial piece of legislation aimed at establishing a vapor product directory. My name is Brian Davis, and I am the proud owner of Davis Liquor Outlet, overseeing three stores within the Wichita market. While our reputation is built on providing exceptional prices for beer, wine, and spirits, we also offer a range of tobacco products.

It is heartening to note the significant decline in youth smoking, down 92.1% since 2000, and a commendable 63.6% reduction in youth vaping since 2019. These achievements are noteworthy; however, we must address a concerning trend: the alarming increase in Kansas youth using illicit disposable e-cigarette products, up by 146% since 2020, as reported by the CDC National Youth Tobacco Survey.

In Kansas, we apply for a license to sell liquor products, ensuring that those with unscrupulous intentions are barred from selling controlled substances like liquor. The ABC active brands database further safeguards our community by verifying the legitimacy of the products we purchase. These measures are in place to protect our population.

Yet, when it comes to e-cigarettes, these vital safeguards are conspicuously absent. Despite the FDA's establishment of strict safeguards through the Pre-Market Tobacco Application (PMTA) process, enforcement of these rules has been lacking. With over 200,000 sellers of tobacco products in the United States, the FDA has issued warning letters to less than 1,000, despite estimates indicating that up to 51% of the vapor market is comprised of illegal disposable products, according to the Truth Initiative.

I understand that HB 2801 proposes the creation of a directory of state-approved products, offering clarity to retailers like me regarding the legality of products. This initiative instills trust among our population, assuring them that the products available for sale have undergone the FDA PMTA process.

Crucially, it levels the playing field for all retailers. While I risk my liquor license by selling non-authorized brands, selling illegal vapor product currently carries no consequences. This discrepancy needs to be rectified. Law-abiding retailers like me struggle to compete with neighboring stores that blatantly flout the law, displaying kid-friendly vapes with flavors like rainbow cotton candy and blueberry blast.

Be it alcohol, tobacco, or pharmaceutical products, all are classified as controlled substances. Treating these substances uniformly is essential to protect Kansans and foster a fair business environment.

I implore you to cast your vote in favor of House Bill 2801, providing retailers like me with clarity and ensuring fairness. Your support is paramount in creating a more secure and equitable marketplace.

Thank you for your time and consideration.

Sincerely,

Brian Davis

Owner, Davis Liquor Outlet

Wichita, Kansas