



## **Proposed Amendment to S.288 - Banning flavored tobacco products and e-liquids August 27, 2020**

The Vermont Cannabis Trades Association (VCTA) is a coalition of medical marijuana dispensaries in Vermont.

While we wholeheartedly support the intent of S.288, we are concerned about what we think will be an unintended impact on medical marijuana patients. Many patients use e-liquids for their medicine, and we are concerned that this bill will ban the products they use.

Therefore, we would like to propose an amendment to the definition of tobacco substitute (this term is used throughout S.288). Current law defines tobacco substitute to include products that contain or deliver nicotine or *other substances* which are not approved by the FDA for tobacco cessation or other medical purposes. Because medical marijuana has not been approved by the FDA, it would be included in this ban. Our amendment proposes to exclude medical marijuana from the definition of *other substances* referred to in the definition of tobacco substitute.

Sec. 2. 7 V.S.A. chapter 40 is amended to read:

### **CHAPTER 40. TOBACCO PRODUCTS**

#### **§ 1001. DEFINITIONS**

As used in this chapter:

\* \* \*

(8) "Tobacco substitute" means products, including electronic cigarettes or other electronic or battery-powered devices, that contain or are designed to deliver nicotine or other substances into the body through the inhalation of vapor and that have not been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes. Products that have been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes shall not be considered to be tobacco substitutes. Other substances shall not include substances sold by a dispensary registered under 18 V.S.A. chapter 86 to registered patients and registered caregivers, as those terms are defined in 18 V.S.A. § 4472.

Thank you for your consideration.