



My name is Brian Posler, and I represent Fuel True Independent Energy and Convenience. We are the nonprofit statewide trade association representing the independent Kansas Energy distribution companies and over 2000 fuel retailers throughout Kansas.

Mr. Chairman and committee members, thank you for the opportunity to provide testimony supporting HB 2801.

Our retailers carefully weighed the goals and risks of this bill, and they have concluded that the public good of curbing the market for illicit vapes in Kansas outweighs the increased regulatory burden faced by our retailers. As such, we support this Vapor Product Directory bill.

A directory will provide our responsible retailers with a critical tool, allowing them to easily differentiate between compliant and non-compliant products. The best way the state government can help law enforcement, retailers, and consumers ensure all products are FDA-compliant is by implementing a directory like the one in this bill.

Make no mistake. The problem of illicit vapes is real. They threaten the historic reduction in youth tobacco use and the opportunity to continue to reduce harms for adult smokers. Since 2020, the market has been flooded with flavored disposables even though the FDA has barred new products from coming to market. Flavored vape sales have surged 64% over the past 3.5 years to 18.4 million vaping products per month as of September 2023. Disposable vapes account for 57% of vaping sales in retail stores, a figure that does not include sales in vape shops or online sales.

These illicit, disposable vapes, many from China, are also more easily laced with harmful substances, including fentanyl, which greatly increases their risk to consumers.

These Illicit vapes are ubiquitous in our state, undercutting the prices of legitimate products, and targeting youth and new customers. They steal market share from our responsible members who are only selling FDA-compliant products.

This bill has been written with care given to ensure well-meaning retailers are not suffering significant penalties unless they repeatedly ignore the directory over time. For these reasons, we support this bill and ask you to recommend it favorably to the Floor.

Brian D. Posler, Executive Director
Fuel True Independent Energy and Convenience