

## End of Summer 2020 Newsletter

Hello everyone, apologies for our lack of communication via our monthly newsletters. There are many things that have transpired over the past few months so be sure to read thoroughly...

### **MASKS**

Here is our current store policy:

*“Per Anne Arundel County Executive, steuart pittman, masks are still required inside all retail businesses. HOWEVER, if you ARE NOT wearing a mask, TITLE III of ADA does not allow us to ask why you are not wearing a mask. THEREFORE, we will assume you have a medical condition”.*

It has come to our attention Anne Arundel County Health Department has put us on their naughty list. We visited their social media page, and to our astonishment, our name is indeed listed. This page is a list of alleged businesses that have been “cited” and/or “fined” for violating county and/or state executive orders. Since we comply and **were not** cited, this is “fake news” and our name should not be there. Just like many other businesses, we were inspected by the “mask police”, and here are the true details in short...

In late July, a health department “inspector” entered the store and claimed she had received reports that we were not wearing masks. We pointed to our posted sign(s) that state our policy. She read the sign and even took a picture (“for her records”). We talked for a few minutes and she left but stated she would return within three days for a re-inspection.

True to her word, she returned three days later accompanied by two county police officers for enforcement in case the situation went awry. After we greeted the officers, the inspector stepped into the office for a discussion. She again accused us of not following the “order” and attempted to cite us. We re-directed the question to the nice police officers asking if we were compliant or not. One of the officers obligingly pulled out his cell phone, read both county and state executive orders, and agreed with us that we are indeed in compliance. The inspector demanded we sign her citation and change the verbiage on our sign(s) because she did not like the wording. We told her - absolutely not.

Many vapers are folks with previous medical conditions from smoking and have problems breathing as it is, let alone being forced to wear a mask. The inspector tried to argue that our point was irrelevant, and masks are required with no exceptions. We showed her both county and state executive orders which clearly state those with disabilities and medical conditions are not required to wear masks. To our surprise, after what appeared to be a temper tantrum, she said someone from her office would be in contact for further discussion. We welcome the visit as we are prepared with printed copies of the orders and potential litigation. We have yet to be re-visited.

What is the point of our stance? Why don't we just comply with her demands? The answer is simple – those with disabilities and medical conditions cannot have their rights violated and are protected by the *ADA (Americans with Disabilities Act)*. Keep in mind, other stores implement their own covid policies and procedures. We have made ours and stand behind them. Whether or not you agree with the viewpoint or verbiage, the executive order links are below:

State Order: <https://governor.maryland.gov/wp-content/uploads/2020/08/2020-08-03-11-08.pdf>

(see page 10, section c)

Anne Arundel County Order: <https://www.aacounty.org/departments/county-executive/executive-orders/steuart-pittman/SP-24.pdf>

(see page 5, bullet 3)

## **Federal News**

Over the past 6 years, we have reported that government and FDA crackdowns, on the vape industry, were looming. They finally took effect on September 9, 2020. This next bit of news is important so please read carefully and let us know if you have questions or comments.

### *Background:*

In 2015, Congress gave FDA (Food & Drug Administration) authority over vaping per the *Tobacco Control Act of 2009*. While we agree there should be some form of regulations, we believe banning the entire industry is absurd. It is completely unfair to the millions of smokers that seek viable alternatives to quitting smoking and the millions of people who enjoy their safer alternative to smoking.

In early 2016, FDA stated that products on the market prior to August 8, 2016 would be allowed to be sold provided each went through the PMTA (Pre-Market Tobacco product Application) process. During this process, FDA “allows” products to be sold, aka – “FDA approved”. It is worth noting, FDA does not actually “approve” products, they simply allow them to be sold. Originally, this only applied to products made in the U.S. and FDA had not yet opened the door for foreign manufacturers to register and therefore, would not yet be regulated.

Because vaping was a fairly new industry, FDA had no regulatory process in place and had to start from scratch. They instituted several unattainable stipulations to which the industry has argued the validity. If you have kept up with our newsletters, you remember our staff has visited local and federal lawmakers advocating to keep our industry alive. The PMTA process is extremely expensive, time consuming, and there is no guarantee the products will be approved for sale. There are reports some manufacturers have submitted over 5 million pages for their products with total industry approximations of over 1 million products having been submitted for approval. Instituted by Federal Court, the timeline for FDA approval is 12 months from the time of submittal. If FDA has not reviewed the documents, we have not received clarification if the products get a “pass” or have to be “removed” from shelves. This process can better be explained by a press release from VTA (*Vapor technology Association*). See the following link:

<https://us18.campaign-archive.com/?u=55d285d36cf09fd823bb068a0&id=e7d96d59a2>

On this same page, please visit the “Past Issues” tab to read more about what VTA has been doing and the struggles with government and FDA.

### *Current:*

The original date for product registration was February 12, 2020 but due to covid, a federal judge changed the final date to September 9, 2020. How, you may ask, will or does this affect the industry? As mentioned previously, products not on the market prior to August 8, 2016 cannot be sold. Knowing this, many companies still released new products but now must pull them from the market. You will soon see many products disappearing as well as several companies close due to the strenuous expense and time-consuming PMTA process.

An interesting tidbit - something we believe is unfair, disturbing, and somewhat discriminatory is the cigar industry has received a “pass” on their registration process. If FDA is overseeing all “tobacco products”, then why are they deferring enforcement of cigar PMTA requirements? We have not received an answer to this question.

### *Future:*

Of the items disappearing from our shelves, one such category is the Nicotine Salts. Reason – none of these flavors were on the market prior to August 8, 2016. Several other items/flavors we regularly sell are also not being restocked. What does this mean? It means you had better stock up on your favorite flavor now while we do have stock because very, very shortly, we will no longer have access to them - this is directly related to the PMTA process. We are fervently searching for new flavors to bring in and, if you have suggestions, please let us know.

The FDA has stated their current focus is on certain elements – underage usage, elimination of closed systems (pods), and registration of vaping products (PMTA). Since minors are typically using pod systems, FDA thinks they can eliminate use by banning them altogether. In response, minors have moved towards marijuana use. In contrast, here in Maryland, no legitimate vape store has sold to a minor in the past 4+ years (data from FDA compliance checks).

## **Other news/reminders**

We are often asked when taste testing will return. We have sterilized all testing devices and are waiting for our 4-month old order of isopropyl alcohol to arrive.

Products can still be ordered via our website and we continue to offer curbside and delivery for those who prefer these options. Those who enjoy in-store shopping are welcome inside.

When ordering on the website, please view your account details to see if you accumulated applicable discount coupons available for use. Currently, our website only allows one coupon per order. We are working with our website developers to also allow the addition of a military discount. In-store purchases allow all discounts to be used at once.

Special Orders: If you are wanting a particular item, we do not regularly stock, we are happy to special order it for you. However, you must pay in advance and inside the store.

We have already begun to add new products to our shelves, so please be thorough during your visit to our website and/or storefront. You may find a new favorite flavor or device to add to your repertoire!!

*Stay informed, ALL updates are available on the [News/Events](#) page on our website ([vapechalet.com](http://vapechalet.com)).*