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2020 SESSION
Written Testimony

BILL NO: SB 233
COMMITTEE: Finance Committee
POSITION: Support
TITLE: Business Regulation- Flavored Tobacco Products-Prohibition

BILL ANALYSIS:

SB 233 will prohibit the sale of all flavored tobacco products, including menthol cigarettes, chewing tobacco, small cigars, and vape products.

POSITION RATIONALE:

The Anne Arundel County Department of Health supports SB 233 prohibiting the sale of all flavored tobacco products, including menthol cigarettes, chewing tobacco, flavored cigars, and vape products.

Research shows that sweet-tasting flavors are particularly appealing to youth and young adults. In 2009, The FDA banned cigarettes with certain flavors that appeal to youth (e.g., cherry, chocolate), and is examining options for regulating other flavored tobacco products, including menthol cigarettes. The 2009 flavored cigarette ban was an important first step for responsible tobacco regulation to protect the American public, particularly children, from the dangers of cigarettes, however, other flavored tobacco products have not been fully addressed.

Research shows that flavors make these products more enticing to youth and young adults. The FDA found that nearly 80 percent of youth ages 12-17 and nearly 75 percent of young adults ages 18-25 who were current tobacco users in 2014 reported that the first tobacco product they ever used was flavored. The U.S. Surgeon General states that the use of nicotine in any form, including e-cigarettes is unsafe and can have lifelong health effects. This is doubly concerning for youth and young adults as nicotine has effects on their still-developing brain. The normal adolescent brain does not yet have the full capacity to balance short-term rewards with long-term goals, control impulses, delay gratification, weigh possible consequences of behavior,

or inhibit inappropriate behavior and initiate appropriate behavior. Nicotine affects these processes by altering normal brain chemistry affecting mood, appetite, attention, cognition, and memory which can lead to worsening anxiety, irritability and impulsivity.

Nicotine also changes biochemical pathways in the brain that increase the chances of nicotine dependence and future addiction to other drugs, including opioids. Nicotine acts like a key to unlock special receptor molecules on the outside of cells in the brain, including those in the prefrontal cortex. Nicotine causes these cells to release signaling molecules, such as dopamine, which gives users a high. But after repeated exposure to nicotine, those brain cells change to reduce the body's ability to release its own pleasure-giving chemicals reinforcing the addiction.

The susceptibility of teens to advertising manipulation, honed by the tobacco and vaping industry, is also of great concern. Adolescents grow up in a media environment rich with exposure to tobacco marketing in both their homes (internet) and their communities (stores and billboards). According to the National Institutes of Health (NIH), adolescents who have never smoked and are frequently exposed to cigarette marketing on the internet and in stores are more than two times as likely to begin smoking. In 2016, about 8 in 10 middle school and high school students, more than 20 million youth, said they had seen e-cigarette advertising. Today the focus of the industry's marketing effort is on promoting flavored products that appeal to adolescents. E-cigarettes come in kid-friendly flavors such as mango, fruit, candy and crème. The 2019 National Youth Tobacco Survey found that 4 out of 5 kids who have used tobacco started by using a flavored product. Many youths also report using e-cigarettes because they are curious about these new products, the flavors are appealing to them, and they believe these products to be less harmful than conventional cigarettes.

Menthol deserves special mention as a flavor additive because it is often inappropriately exempted from flavor bans. Menthol has a minty taste and aroma that is widely used in consumer and medicinal products due to its reported cooling or painkilling properties. When used in cigarettes, menthol reduces the irritation and harshness of smoking. However, research suggests menthol cigarettes may be harder to quit than non-menthol cigarettes, particularly among African American smokers. Menthol is also used in many other tobacco products including in vape products. In the U.S.:

- More than 19.5 million people are current smokers of menthol cigarettes.
- 85.8 percent of African American smokers, 46 percent of Hispanic smokers, 39 percent of Asian smokers, and 28.7 percent of White smokers smoke menthol cigarettes.
- Youth who smoke are more likely to smoke menthol cigarettes than older smokers. More than half of smokers ages 12-17 smoke menthol cigarettes.

The Anne Arundel County Department of Health and Anne Arundel County school staff is making every effort to educate our youth on the dangers of smoking and vaping. But we know that for decades, the tobacco industry has perfected the ability to exploit emotional and social vulnerabilities of teens. Our education, although extremely important to provide students with information to protect their health, is no match for the sophisticated techniques developed by industry that now uses flavors as bait. Prohibiting the sale of all flavored tobacco products will be a significant step in the right direction to improving the health of youth and adults.

Sources:

1. <https://e-cigarettes.surgeongeneral.gov/knowtherisks.html>
2. <https://flavorhookkidsdc.org/#facts>
3. Kara S. Bagot, MD, Assistant Professor, Icahn School of Medicine at Mount Sinai, "Neurobiology of Adolescent Tobacco/Nicotine Use Disorders"
4. <https://www.fda.gov/tobacco-products/youth-and-tobacco/fdas-youth-tobacco-prevention-plan>
5. <https://www.ncbi.nlm.nih.gov/pubmed/29846704>
6. <https://www.sciencenewsforstudents.org/article/explainer-nico-teen-brain>
7. <https://www.tobaccofreekids.org/assets/factsheets/0383.pdf>
8. <https://www.tobaccofreekids.org/what-we-do/us/flavored-tobacco-products>