



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 233

DATE: February 13, 2020

**SPONSOR: The President (By Request – Office of the Attorney General) and
Senator Augustine, et al.**

ASSIGNED TO: Finance

CONTACT PERSON: Leslie Frey (leslie.frey@montgomerycountymd.gov)

POSITION: SUPPORT (Department of Health and Human Services)

Business Regulation – Flavored Tobacco Products – Prohibition

Senate Bill 233 defines tobacco product to include cigarettes, cigars, pipe tobacco, snuff, snus, electronic smoking devices, and any component part or accessory including filters, rolling papers, blunt wraps, hemp wraps, hookahs, pipes, and liquids used in electronic smoking devices, and defines a flavored tobacco product as any of the aforementioned tobacco products that contain a taste or smell, other than that of tobacco, this is distinguishable by an ordinary consumer either before or during the consumption of the tobacco product. The bill prohibits any tobacco-related license holder from manufacturing, shipping, importing, or selling into or within the State a flavored tobacco product. A violation of the prohibition on flavored tobacco products by a license holder is a misdemeanor punishable by a fine of \$1,000 and up to 30 days imprisonment.

There is a Montgomery County local bill that has been introduced that would prohibit the sale of flavored electronic smoking devices within one mile of a school, library, park, playground, or recreational facility in the County. Senate Bill 233 would make a local law, such as the one proposed in Montgomery County, unnecessary because it would prohibit the sale of such products Statewide. From a public health policy perspective, this is ideal because more Marylanders would be protected from the harmful health effects of flavored tobacco products; from an enforcement perspective, a Statewide prohibition is also ideal because uniformity of which products are available in each jurisdiction reduces confusion and inefficiencies for license holders.

At the federal level, in 2009 Congress banned the sale of most flavored tobacco products with the notable exceptions of menthol flavored cigarettes and non-cigarette tobacco products such as electronic smoking devices and cigars due to the recognition that flavored tobacco products are more appealing to youth than their non-flavored counterparts.¹ Montgomery County Department of Health and Human Services urges the committee to acknowledge that banning all flavored tobacco products across the State a necessary step towards curbing nicotine addiction in youth and minorities.

¹ Huang L-L, Baker HM, Meernik C, Ranney LM, Richardson A, Goldstein AO. Impact of non-menthol flavours in tobacco products on perceptions and use among youth, young adults and adults: a systematic review. Tobacco control. 2016.