

HB321(FIN) - Johns Hopkins - Support.pdf

Uploaded by: Annie Coble

Position: FAV

TO: The Honorable Melony Griffith, Chair
Senate Finance Committee

FROM: Annie Coble
Assistant Director, State Affairs

DATE: March 22, 2023

RE: HB321 CIGARETTE RESTITUTION FUND – PAYMENTS FOR SALE AND
MARKETING OF ELECTRONIC SMOKING DEVICES – USE

Johns Hopkins supports **HB321 Cigarette Restitution Fund – Payments for Sale and Marketing of Electronic Smoking Devices – Use**. This bill requires the use of any proceeds to the State resulting from litigation related to e-cigarettes to be dedicated to the Cigarette Restitution Fund (CRF).

In November 1998, the five major tobacco companies and 47 states, five territories and Washington DC reached a Master Settlement Agreement (MSA) ending the states' suit over medical costs associated with tobacco use. The settling manufactures agreed to pay approximately \$206 billion over the next 25 years and beyond. During the summer of 1999, Governor Glendening announced his vision for the MSA funds that were anticipated by early 2000. Glendening's broad plan included significant funding for cancer prevention, tobacco cessation and tobacco crop conversion. Part of his plan was to provide \$15 million per year for the next 10 years to both Johns Hopkins and the University of Maryland for cancer research. Since then, Johns Hopkins Sidney Kimmel Comprehensive Cancer Center has been using the CRF to complete world changing research on cancer prevention and treatment.

Ensuring funds from any litigation related to e-cigarettes would be dedicated to the CRF is the most efficient and effective way to promote the health of Marylanders and to assure that the funds are used to continue efforts to mitigate the harmful effects of tobacco use. The CRF is a proven tool to support the development of educational materials and, provide treatment, and support vital research to promote smoking cessation, reduce tobacco use and cancer prevention.

Accordingly, Johns Hopkins respectfully requests a **FAVORABLE** committee report on **HB321**.

2b - HB 321 (3rd) - HGO - Cancer Council - LOSAA.d

Uploaded by: Maryland State of

Position: FAV



March 22, 2023

The Honorable Melony Griffith
Chair, Senate Finance Committee
3 East, Miller Senate Office Building
Annapolis, MD 21401-1991

RE: HB 321 (3rd) - Cigarette Restitution Fund – Payments for Sale and Marketing of Electronic Smoking Devices – Use – Letter of Support as Amended

Dear Chair Griffith and Committee Members:

The Maryland State Council on Cancer Control (the Council) is submitting this letter of support for House Bill (HB) 321 (3rd) as amended, titled: “Cigarette Restitution Fund – Payments for Sale and Marketing of Electronic Smoking Devices – Use.” HB 321 (3rd) requires a separate account in the Cigarette Restitution Fund (CRF) where payments related to the sale and marketing of electronic smoking devices (ESDs) are deposited to supplement the general fund appropriations.

The Council supports HB 321 (3rd); the bill would aid in advancing the Council’s mission to reduce and control cancer incidence, mortality, and morbidity statewide. The settlement between the ESD manufacturer Juul Labs and 33 states and territories, including Maryland, has resulted in payments of \$434.5 million to be made over the next several years. According to the Maryland Office of the Attorney General, Maryland is set to receive an estimated \$13 million of these funds.¹ These funds would supplement current funding to the Maryland Department of Health (MDH) to conduct statewide tobacco prevention and control activities. Current funding levels for tobacco use prevention and cessation programs are less than half of the recommended CDC spending of \$48 million for Maryland.² This funding is crucial to prevent youth tobacco use and counteract the \$126.1 million spent per year by the tobacco industry for marketing their products in Maryland.

National data for 2022 showed that 14.1 percent of high school students used ESDs during the past 30 days. For the ninth consecutive year, ESDs were the most commonly used tobacco product among high school students.³ ESDs and e-liquids contain a variety of cancer-causing ingredients including nicotine derivatives, polycyclic aromatic hydrocarbons (which is a class of chemicals that occur naturally in coal, crude oil, and gasoline), heavy metals, and aldehydes (one of the most commonly known being formaldehyde).⁴ Dedicated funding to the CRF from ESD-related payments would mean the MDH Cancer Prevention, Education, Screening, and Treatment Program would receive additional funding to increase public awareness on the cancer risks of ESDs and enhance statewide tobacco prevention and control activities.

¹ Maryland Office of the Attorney General, “Attorney General Frosh, Plus 32 States and Territories, Reach Agreement of Over \$434.5 Million with Juul Labs,” 22 December 2022. Accessed February 6, 2023 at <<https://www.marylandattorneygeneral.gov/press/2022/120622.pdf>>.

² Campaign for Tobacco-Free Kids, “U.S. State and Local Issues: Broken Promises to Our Children, Maryland,” 10 January 2023, Accessed February 6, 2023 at <<https://www.tobaccofreekids.org/what-we-do/us/statereport/maryland>>.

³ Cooper M, Park-Lee E, Ren C, Cornelius M, Jamal A, Cullen KA. Notes from the Field: E-cigarette Use Among Middle and High School Students — United States, 2022. *MMWR Morb Mortal Wkly Rep* 2022;71:1283–1285. DOI: <http://dx.doi.org/10.15585/mmwr.mm7140a3>

⁴ Vaping and lung cancer - A review of current data and recommendations, 2021 Mar;153:11-20. doi: 10.1016/j.lungcan.2020.12.030. Epub 2021 Jan 2. <https://pubmed.ncbi.nlm.nih.gov/33429159/>

The Council urges a favorable vote on HB 321 (3rd). This is an impactful way to reduce the use of ESDs by underage individuals in Maryland.

Sincerely,

A handwritten signature in black ink that reads "Kevin J. Cullen, MD". The signature is written in a cursive style with a large initial 'K' and 'C'.

Kevin Cullen, MD, Chair, Maryland State Council on Cancer Control

NCADD-MD - 2023 HB 321 FAV - E-Smoking Settlement

Uploaded by: Nancy Rosen-Cohen

Position: FAV



**Senate Finance Committee
March 22, 2023**

**House Bill 321
Cigarette Restitution Fund –
Payments for Sale and Marketing of Electronic Smoking Devices – Use
Support**

NCADD-Maryland supports House Bill 321. For many years, Maryland has held a policy that when multi-state national lawsuits are pursued, any resulting funds awarded to the state should be used primarily to repair the damage caused by the companies being sued.

We want to thank the sponsor of the bill for continuing to push for this policy. Delegate Rosenberg led the efforts to establish the Cigarette Restitution Fund to capture the funding as a result of lawsuits against the tobacco industry. He then initiated the creation of the Opioid Restitution Fund during the pursuit of litigation and eventual settlement against opioid manufacturers.

Today NCADD-Maryland stands proudly with Delegate Rosenberg in ensuring the funding that results from the lawsuits against companies involved in the sale and marketing of electronic smoking devices is invested in programs that deter and prevention young people from using all of these vaping and tobacco products.

We therefore ask the committee for favorable report on House Bill 321.

The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.

HB0321-FIN-FAV.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

HB0321

March 22, 2023

TO: Members of the Finance Committee
FROM: Nina Themelis, Interim Director of Mayor's Office of Government Relations
RE: House Bill 0321 – Cigarette Restitution Fund Payments for Sale and Marketing of Electronic Smoking Devices – Use

POSITION: Support

Chair Griffith, Vice-Chair Klausmeier, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** House Bill (HB) 321.

This bill recognizes the impact of e-cigarette use on our public health. It proposes allocating certain funds from the Cigarette Restitution Fund expressly for the purpose of supporting programs aimed at reducing use of tobacco products among youth. This would help reduce the risk of youth exposure to harmful chemicals and prevent the development of nicotine addiction.

Use of electronic smoking devices, or “e-cigarettes,” has been on the rise, particularly among our youth.¹ Data from the National Youth Tobacco Survey found a 78% increase in use of e-cigarettes in middle and high school adolescents from 2017 to 2018, accounting for 3.6 million middle and high-school students using e-cigarettes.² This is concerning, as studies have shown that e-cigarettes contain harmful chemicals and can lead to serious health problems, such as lung damage and nicotine addiction.³ Additionally, a study linked adolescents' use of e-cigarettes to higher odds of progressing from experimental to established use of combustible cigarettes.⁴ On average, smokers die at least 10 years earlier than non-smokers – but quitting smoking before age 40 reduces the risk of death from smoking-related disease by approximately 90%.⁵

Preventing young people from smoking cigarettes in the first place would be a powerful and straight-forward way to protect their health long-term.

For these reasons, the BCA respectfully requests a **favorable** report on HB 321.

¹ Coke, Lola A. PhD, ACNS-BC, FAHA, FPNCA, FAAN. Vaping and Use of E-Cigarette Products in Adolescents: A New Cardiopulmonary Crisis. *The Journal of Cardiovascular Nursing* 35(3):p 225-228, 5/6 2020. | DOI: 10.1097/JCN.0000000000000679

² US Food and Drug Administration. (December 20, 2022). Results from the Annual National Youth Tobacco Survey. Retrieved from <https://www.fda.gov/tobacco-products/youth-and-tobacco/results-annual-national-youth-tobacco-survey>

³ Centers for Disease Control and Prevention. (November 10, 2022). Smoking and Tobacco Use – Youth and Tobacco Use. Retrieved from https://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm

⁴ Chaffee, B.W., Watkins, S.L., and Glantz, S.A. Electronic cigarette use and progression from experimentation to established smoking. *Pediatrics* 141(4):e20173594, 2018.

⁵ Centers for Disease Control and Prevention. (April 28, 2020). Smoking and Tobacco Use – Tobacco-Related Mortality. Retrieved from https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/tobacco_related_mortality/index.htm#:~:text=Life%20expectancy%20for%20smokers%20is,years%20shorter%20than%20for%20nonsmokers.&text=Quitting%20smoking%20before%20the%20age.related%20disease%20by%20about%2090%25

Annapolis – phone: 410.269.0207 • fax: 410.269.6785

Baltimore – phone: 410.396.3497 • fax: 410.396.5136

<https://mogr.baltimorecity.gov/>

Testimony HB 321_Rosenberg_Senate.pdf

Uploaded by: Samuel Rosenberg

Position: FAV

SAMUEL I. "SANDY" ROSENBERG
Legislative District 41
Baltimore City

Health and Government Operations
Committee

Chair
Health Occupations and
Long-Term Care Subcommittee

House Chair
Joint Committee on Administrative,
Executive, and Legislative Review



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Respond to Office Indicated

□ *Annapolis Office*
The Maryland House of Delegates
6 Bladen Street, Room 365
Annapolis, Maryland 21401
410-841-3297 · 301-858-3297
800-492-7122 Ext. 3297
Samuel.Rosenberg@house.state.md.us

□ *District Office*
4811 Liberty Heights Avenue
Baltimore, Maryland 21207
410-664-2646

Testimony of Delegate Samuel I. Rosenberg

Before the Senate Finance Committee

in Support of

House Bill 321

**Cigarette Restitution Fund – Payments for Sale and
Marketing of Electronic Smoking Devices – Use**

Madam Chair and Members of the Committee:

In Maryland, we have a long tradition of directing the settlements negotiated by our Attorney General's Office to aid the injured parties.

In 2000, the General Assembly ensured that monies from the massive Tobacco Settlement Agreement between the states and the tobacco industry were used to create the Cigarette Restitution Fund, to provide focused support to programs intended to reduce the burden of tobacco-related diseases in Maryland, with a special emphasis on the prevention and cessation of tobacco use and cancer prevention, early detection, and treatment.

More recently, with funds awarded through settlements with prescription opioid makers and distributors, we created the Opioid Restitution Fund to support opioid abatement programs throughout the state.

Now we have another opportunity to aid Marylanders who are suffering at the hands of bad actors. This time, we can prevent young people from being misled by advertising and marketing around e-cigarettes and vaping.

Last December, the attorneys general of more than 30 states concluded their investigation of JUUL Labs, announcing an agreement with the e-cigarette manufacturer to pay the states more than \$434 million and cease its misleading and predatory marketing and sales practices, primarily targeting underage users.

From that financial settlement, Maryland expects to receive at least \$13 million.

House Bill 321 would ensure that the monies from the settlement with JUUL, as well as any future settlements with other e-cigarette manufacturers, are used to address the harms these products created. The settlement monies would be used to reduce the use of tobacco products by those under the age of 21. Without this law, those settlement monies would go into the general fund.

I urge a favorable report on House Bill 321.

March 22, 2023

2a - HB 321 (3rd) - FIN - MDH - LOS.docx (1).pdf

Uploaded by: State of Maryland (MD)

Position: FAV



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

March 22, 2023

The Honorable Melony Griffith
Chair, Senate Finance Committee
3 East, Miller Senate Office Building
Annapolis, MD 21401-1991

RE: HB 321 (3rd) - Cigarette Restitution Fund – Payments for Sale and Marketing of Electronic Smoking Devices – Use – Letter of Support

Dear Chair Griffith and Committee Members:

The Maryland Department of Health (MDH) submits this letter of support for House Bill (HB) 321 - Cigarette Restitution Fund – Payments for Sale and Marketing of Electronic Smoking Devices – Use. HB 321 creates a separate account within the Cigarette Restitution Fund (CRF) to receive payments resulting from a settlement agreement with manufacturers related to the sale and marketing of electronic smoking devices (ESDs) for the purposes of reducing the use of tobacco products by individuals under the age of 21 years.

The MDH Center for Tobacco Prevention and Control is responsible for educating Marylanders about tobacco use, training tobacco retailers to ensure compliance with tobacco laws, and providing appropriate services to help Marylanders quit tobacco use, including ESDs. While HB 321 (3rd) does not designate a specific program to receive funds disbursed to the special CRF account, MDH is statutorily responsible for developing and implementing strategies to prevent persons under the age of 21 from accessing and using tobacco products (Health-General Article §24–307; Criminal Law Article §10–107).

A recent settlement between the ESD manufacturer, Juul Labs, and 33 states and territories, including Maryland, has resulted in payments of \$434.5 million to be made over several years. The settlement amount for Maryland is currently unknown, however, if payment is received, these funds would likely be disbursed to the new account within the CRF that HB 321 (3rd) creates. These funds would supplement General Fund appropriations already allocated annually to MDH to conduct statewide tobacco prevention and control activities (Health-General Article §13–1015). Current funding levels for tobacco use prevention and cessation programs are less than half of the recommended CDC spending of \$48 million for Maryland.¹ This funding is crucial to prevent youth tobacco use and counteract the \$126.1 million spent per year by the tobacco industry for marketing their products in Maryland.² In 2022, national data showed that

¹ Campaign for Tobacco-Free Kids, “U.S. State and Local Issues: Broken Promises to Our Children, Maryland,” 10 January 2023, Accessed 27 January 2023 at <<https://www.tobaccofreekids.org/what-we-do/us/statereport/maryland>>.

² Ibid.

14.1 percent of high school students used ESDs during the past 30 days. For the ninth consecutive year, ESDs were the most commonly used tobacco product among high school students.³

If you have any further questions, please contact Megan Peters, Acting Director of Governmental Affairs at megan.peters@maryland.gov or (410) 260-3190.

Sincerely,



Laura Herrera Scott, M.D., M.P.H.
Secretary

³ Cooper M, Park-Lee E, Ren C, Cornelius M, Jamal A, Cullen KA. Notes from the Field: E-cigarette Use Among Middle and High School Students — United States, 2022. MMWR Morb Mortal Wkly Rep 2022;71:1283–1285. DOI: <http://dx.doi.org/10.15585/mmwr.mm7140a3>