



February 21, 2023

The Honorable Joseline Pena-Melnyk  
Chair, Health and Government Operations Committee  
Room 241, House Office Building  
Annapolis, MD 21401-1991

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

Dear Chair Pena-Melnyk and Committee Members:

The Maryland State Council on Cancer Control (the Council) is submitting this letter of support for House Bill 321 (HB 321), titled: “Cigarette Restitution Fund – Payments for Sale and Marketing of Electronic Smoking Devices – Use.” HB 321 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; 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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).<sup>4</sup> 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.

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<sup>1</sup> 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>>.

<sup>2</sup> 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>>.

<sup>3</sup> 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>

<sup>4</sup> 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. 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