

Maryland Vapor Alliance

Opposition to HB 1033

On behalf of the Maryland Vapor Alliance (MVA), who represents over two hundred small business vape shops in the state of Maryland, we oppose House Bill 1033.

Per the CDC's most recent research report, Maryland has the second lowest cigarette use in the United States. This is a result of safer harm reduction options available and the vape shops that help keep these customers off combustible cigarettes. This bill completely turns the clock back and plays right into the big tobacco initiatives.

If this bill is passed in its current form, just twenty closed-system big tobacco products will remain on the shelf, and all other products will be illegal. These products are high nicotine items, only available in tobacco and menthol flavors.

Customers who use open system vape products and are on lower milligrams of nicotine such as 3mg or 6mg would have the following options:

- They can convert to one of the big tobacco conglomerate's high nicotine products at 50mg+
- They can go back to smoking cigarettes.
- They can find their products on the black market or go to another state.

This bill is a win for big tobacco, who have their lobbyists pushing this bill across multiple states.

Data continues to show that small business vape shops in Maryland have a clean record in terms of underage compliance checks. This legislation would ensure that those responsible retailers would close their doors, leaving only high nicotine products sold by big tobacco companies on shelves elsewhere.

Recently in January, the U.S. 5th Circuit Court ruled against the FDA regarding their pre-market tobacco application (PMTA) process. Small business vape shops and manufacturers filed this suit after having their PMTA denied by the FDA and were awarded an injunction before the ruling came out a few weeks ago. The circuit court found the PMTA process to be "fatally flawed," "arbitrary and capricious," and "sent manufactures of flavored e-cigarettes on a wild goose chase." The FDA

will now have to revamp its entire process and re-review the thousands of applications that they unfairly denied. This followed another ruling against the FDA from the U.S. 11th Circuit Court along similar circumstances. Additionally, there are a number of other cases currently making their way through the federal court system, and ultimately the issue may end up in the U.S. Supreme Court.

In conclusion, this legislation stands to only benefit the three Big Tobacco companies whose high nicotine products would remain on the shelves in Maryland.

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