



DEPARTMENT OF HEALTH

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

March 28, 2024

The Honorable C. T. Wilson
Chair, House Economic Matters Committee
Room 231, House Office Building
Annapolis, MD 21401-1991

RE: Senate Bill 1056 – Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024) – Letter of Support As Amended

Dear Chair Wilson and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of support as amended for Senate Bill (SB) 1056 – Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024). SB 1056: (1) updates licensing requirements and business operations for tobacco retailers in Maryland; (2) requires the Department or its designee to conduct at least one unannounced inspection per licensed tobacco retailers per year and a one-time study with the Alcohol, Tobacco, and Cannabis Commission (ATCC); and (3) prohibits the sale of all tobacco products in pharmacies.

SB 1056 updates the regulatory scheme for licensing tobacco retailers in Maryland and better aligns Maryland law with evidence-based practices in tobacco use prevention and control. The Department supports SB 1056, including: (1) increasing licensing fees and allocating funds to the Department to offset enforcement costs; (2) increasing civil penalties for certain tobacco retailer found in violation; (3) requiring retailers to keep cigarettes, other tobacco products, and electronic smoking devices (ESDs) behind-the-counter and to verify all purchasers under 30 are at least 21 years old with a government-issued identification; (4) restricting the sale of all ESD products to the premises of licensed vape shop vendors; and (5) prohibiting the sale of all tobacco products in Maryland pharmacies. The Maryland Comptroller¹ and several organizations, including the Centers for Disease Control and Prevention (CDC), the American Heart Association, the American Lung Association, and the Campaign for Tobacco-Free Kids,

¹ <https://www.marylandtaxes.gov/forms/etaskforce/final-e-facts-report02172020.pdf>

recommend implementing such retailer strategies to address health equity and reduce youth tobacco use.^{2,3,4,5}

The popularity of ESDs with Maryland youth is concerning as nicotine adversely affects adolescent brain development and mental health.⁶ Youth who start using ESDs are more likely to completely transition to cigarettes or use both ESDs and cigarettes, putting them at risk for a lifelong addiction to nicotine and other substances.⁷ Restricting ESD sales to licensed vape shop vendors will further limit youth access to ESDs as convenience stores, pharmacies, gas stations, and online retailers are common sources of tobacco products for youth, including ESDs. At least two other states and hundreds of US jurisdictions have also banned tobacco sales in pharmacies to the benefit of public health.⁸ Professional organizations, pharmacists, pharmacy chains, and the public overwhelmingly support policies like SB 1056.⁹

As amended, allocating \$275 of increased retailer licensing fees from 23 jurisdictions to the Department and allowing the Department or their designee (i.e., local health departments) to conduct inspections effectively makes tobacco enforcement activities under SB 1056 net neutral to the Department. This includes costs for staffing support for the Department, one-time expenses in fiscal years 2025 and 2026 to conduct a one-time study with the ATCC, and mailing letters notifying tobacco retailers of changes to statewide tobacco licensing laws.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,



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

² Centers for Disease Control and Prevention, “Tobacco Where You Live: Retail Strategies to Promote Health Equity,” Office on Smoking and Health, 2022, Accessed 13 Feb 2024 at <<https://www.cdc.gov/tobacco/stateandcommunity/guides/pdfs/best-practices-retail-user-guide-508.pdf>>.

³ American Heart Association, “Tobacco Retailer Licensure: Maryland,” Accessed 14 Feb 2024 at <<https://tobaccoretaillicensure.heart.org/states-pods/maryland/>>.

⁴ American Lung Association, “Public Policy Position - Tobacco and Health,” 25 Jun 2021, Accessed 14 Feb 2024 at <<https://www.lung.org/policy-advocacy/public-policy-positions/public-policy-position-tobacco>>.

⁵ Campaign for Tobacco-Free Kids, “U.S. STATE AND LOCAL ISSUES PREVENTION AND CESSATION PROGRAMS,” 27 Jan 2021, Accessed 14 Feb 2024 at <<https://www.tobaccofreekids.org/what-we-do/us/prevention-cessation>>.

⁶ US Department of Health and Human Services, “E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General,” 2016, Accessed 13 Feb 2024 at <https://www.cdc.gov/tobacco/sgr/e-cigarettes/pdfs/2016_sgr_entire_report_508.pdf>.

⁷ Ibid fn 3.

⁸ <https://countertobacco.org/policy/tobacco-free-pharmacies/>

⁹ Ibid