



DEPARTMENT OF HEALTH

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

March 7, 2024

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

RE: Senate Bill 987 – Business Regulation - Electronic Smoking Devices Manufacturers - Certifications – Letter of Support

Dear Chair Beidle and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of support for Senate Bill (SB) 987 – Business Regulation - Electronic Smoking Devices Manufacturers - Certifications. SB 987 establishes new licenses and fees for electronic smoking device (ESD) manufacturers, wholesalers, and retailers in Maryland; it also authorizes the Executive Director of the Alcohol, Tobacco, and Cannabis Commission (ATCC) to conduct unannounced inspections of licensed vape shop vendors. Finally, SB 987 requires the Attorney General to create and maintain a common registry of ESD products that can be legally sold in Maryland.

SB 987 updates the licensing regulatory scheme for ESDs in Maryland and better aligns Maryland law with best practices in tobacco prevention and control. Under current law, cigarette and other tobacco product (OTP) manufacturers, wholesalers, and retailers are not required to obtain a separate license to make, distribute, or sell ESDs in Maryland. Creating separate licenses for ESD manufacturers, wholesalers, and retailers; increasing licensure fees; and prohibiting online or direct-to-consumer sales of ESDs align with recommendations from the 2020 Comptroller's e-Facts Task Force on ESDs as ways to limit youth access.¹ HB 1033 creates a standard licensing system for all tobacco products (i.e., cigarettes, OTP, and ESDs) in Maryland; this is a benefit for the Department to know which retailer establishments are selling ESD products, particularly when conducting retailer inspections.

SB 987 also requires the Attorney General to maintain a public directory of ESD products and accessories authorized to be sold in Maryland, and that all ESDs must receive a marketing authorization from the Food and Drug Administration (FDA) before ESD companies can register their devices for sale in the State. To date, the FDA has authorized 23 ESD products for sale in the United States.² Similar registries exist for cigarettes and OTP in Maryland.

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

² <https://www.fda.gov/tobacco-products/premarket-tobacco-product-applications/premarket-tobacco-product-marketing-granted-orders>

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,

A handwritten signature in blue ink, appearing to read "LH Scott", is enclosed within a faint, light-colored rectangular border.

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