



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 1056 – Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024) – Letter of Support with Amendments**

Dear Chair Beidle and Committee members:

The Maryland Department of Health (Department) respectfully submits this letter of support with amendments for Senate Bill (HB) 1056 – Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024). SB 1056 updates licensing requirements and business operations for tobacco retailers in Maryland. As written, SB 1056 also requires the Department to conduct at least two unannounced inspections of licensed tobacco retailers each year and to conduct a one-time study of tobacco retailers and statewide tobacco enforcement efforts in conjunction with the Alcohol, Tobacco, and Cannabis Commission (ATCC). Finally, SB 1056 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 many of the provisions of SB 1056, including: (1) increasing licensing fees to \$300; (2) increasing civil penalties for tobacco retailers who are found out of compliance; (3) requiring retailers to keep cigarettes, other tobacco products, and electronic smoking devices (ESDs) behind-the-counter and to verify all purchasers 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 Comptroller,<sup>1</sup> 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 recommend implementing such retailer strategies to address health equity and reduce youth tobacco use.<sup>2,3,4,5</sup>

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

<sup>2</sup> 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>>.

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

<sup>4</sup> 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>>.

<sup>5</sup> 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>>.

The popularity of ESDs with Maryland youth is concerning as nicotine adversely affects adolescent brain development and mental health.<sup>6</sup> 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.<sup>7</sup> Restricting ESD sales to licensed vape shop vendors will further limit youth access to ESDs as convenience stores and gas stations are common sources of tobacco products for youth, including ESDs. As written, SB 1056 would also restrict sales of ESDs to in-person on the premises of a vape shop, effectively eliminating online sales. SB 1056 also prohibits tobacco product sales in pharmacies. At least two other states and hundreds of US jurisdictions have also banned tobacco sales in pharmacies to the benefit of public health.<sup>8</sup> Professional organizations, pharmacists, pharmacy chains, and the public overwhelmingly support policies like SB 1056.<sup>9</sup>

SB 1056 would have a fiscal and operational impact on the Department as written. The Department has been working on amendments with other advocates and the sponsor. The amendments would offset the costs of SB 1056 and allow for more efficient operationalization of the bill. Among other amendments, the Department suggests reducing the number of required tobacco enforcement inspections from two inspections per retailer to one inspection per calendar year and allowing the Department *or their designee* (i.e., local health departments) to conduct inspections significantly reduces costs for the Department which were outlined in the original fiscal note. If accepted, the full set of amendments would allow the Department to offset the costs of the bill with the revenue generated by the increased retailer licensing fees, while also ensuring that the bill conforms to federal requirements limiting tobacco sales to individuals age 21 and over. As a result, the bill as amended would eliminate the significant fiscal impacts of the original language.

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](mailto:sarah.case-herron@maryland.gov).

Sincerely,



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

Secretary

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<sup>6</sup> 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](https://www.cdc.gov/tobacco/sgr/e-cigarettes/pdfs/2016_sgr_entire_report_508.pdf)>.

<sup>7</sup> Ibid fn 3.

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

<sup>9</sup> Ibid