

ALA_MD_TRL Bill_SB 1056_Support.pdf

Uploaded by: Aleks Casper

Position: FAV



American Lung Association Testimony Senate Bill 1056

Senate Finance Committee

March 6, 2024

Support

Chair Beidle, Vice-Chair Klausmeier and Members of the Committee:

We thank you for the opportunity to provide comments on Senate Bill 1056 – Tobacco Retail Modernization Act of 2024 which would address a number of policy changes regarding tobacco sales in Maryland. The American Lung Association supports this legislation inclusive of the technical amendments being offered by the bill sponsor.

The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease, through research, education and advocacy. The work of the American Lung Association is focused on four strategic imperatives: to defeat lung cancer; to improve the air we breathe; to reduce the burden of lung disease on individuals and their families; and to eliminate tobacco use and tobacco-related diseases.

Tobacco use remains the leading cause of preventable death in the United States, killing an estimated 480,000 Americans and [7,500 Marylanders](#) each year.¹

In data from the [2023 National Tobacco Youth Survey](#), tobacco use among high school and middle school students continue to show high levels with more than 2.8 million youth using a tobacco product. The American Lung Association is particularly alarmed by the trends of use by middle school students with the CDC report showing a significant increase in tobacco use. The report showed that tobacco use overall for middle school students increased nearly 50% from 4.5% to 6.6%. The report also shows that 2.1 million youth are still vaping, and over 25% are vaping daily which indicates a very high addiction rate.

In Maryland, close to 15% (14.7%) of high school students use an electronic smoking device. Nationally, nearly 90% of the youth survey respondents reported using flavored e-cigarettes including mint and menthol. In addition, of the youth who smoke, 40.4% smoke menthol cigarettes. Flavored tobacco products remain the primary gateway for youth addiction. The tobacco industry has continued to target youth users with marketing of flavored tobacco products which makes them appealing to youth, with many of them not realizing that these products contain nicotine. As a result, we are setting our kids up for a lifetime of addiction and losing the opportunity for the first tobacco-free generation.

Senate Bill 1056 addresses a number of important policy changes that the Lung Association supports as effective measures to address tobacco use. These include:

- Making updates to Maryland's law to comply with and mirror federal law on underage sales of tobacco.
- Increasing the cost of a tobacco retail license, requiring a set number of annual enforcement checks of retailers ensuring retailers in Maryland are complying with the law, and more frequent checks for those who have found to be in violation of the law. A successful tobacco retail licensing program includes important key components, including graduated fines and license suspension after a certain number of violations. The Lung Association also believes that revenue raised from the increased costs associated with the license should be used to support enforcement efforts.
- Ensuring that all tobacco products are kept behind the counter which according to [Counter Tobacco](#) can help control the visibility and accessibility at the point of sale.
- Prohibiting tobacco products from being sold in pharmacies. Pharmacies are places where people go to get well and should not be selling deadly products. Selling tobacco products in pharmacies send a mixed message to consumers about the dangers of tobacco products. According to a study in the Journal of American Medical Association, when filling prescriptions for chronic illnesses worsened by smoking, 1 in 20 customers also purchased cigarettes. In the Journal of Preventative Medicine, 2 million smokers last purchased their cigarettes from a pharmacy and tobacco products in pharmacies make quit attempts for current smokers less successful. In fact, after CVS stopped selling tobacco in September 2014, cigarette pack sales decreased, and nicotine patch purchases increased in states where the chain had a large retail presence. Finally, in FDA compliance data, some large pharmacy chains are the leading sellers of tobacco products to underage individuals. By prohibiting the sale of tobacco products in pharmacies this critical access point for kids and young adults will be eliminated.

Thank you for your continued commitment to the health and wellbeing of the residents of Maryland, we urge you to support Senate Bill 1056 which includes important policy changes in tobacco retail sales to help address tobacco use in the state.

Sincerely,



Aleks Casper
Director of Advocacy, Maryland
202-719-2810

¹ U.S. Department of Health and Human Services. The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health 2014.

Aravind Muthukrishnan OAG testimony on SB 1056.pdf

Uploaded by: Aravind Muthukrishnan

Position: FAV

ANTHONY G. BROWN
Attorney General



CANDACE MCLAREN LANHAM
Chief of Staff

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Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

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March 7, 2024

TO: The Honorable Pamela Beidle
Chair, Finance Committee

FROM: Aravind Muthukrishnan
Assistant Attorney General, Office of the Attorney General

RE: Senate Bill 1056— Cigarettes, Other Tobacco Products, and Electronic Smoking Devices
– Revisions (Tobacco Retail Modernization Act of 2024)

The Office of the Attorney General urges this Committee to report favorably on Senate Bill 1056 – Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Revisions (Tobacco Retail Modernization Act of 2024).

Senate Bill 1056 brings much-needed improvements to Maryland's electronic smoking devices ("ESDs") law, Business Regulation Title 16.7. ESD use has exploded since Maryland enacted Title 16.7 in 2017, as an ever-increasing number of new products, many attractive to children, have flooded the market. The consequences are all too predictable: from January 2020 to December 2022, total U.S. e-cigarette unit sales increased by 46.6%, from 15.5 million to 22.7 million units,¹ and ESDs are the second largest nicotine product category after traditional combustible cigarettes for adult users. And despite Maryland's law banning ESD sales to persons under the age of 21, ESD use for our youth is higher than it is for cigarettes: the 2021 Maryland High School Survey reports that while 3.6% of high school students smoked cigarettes, 14.7% of high school students currently used ESDs—the equivalent of more than 4 students in a class of 30.² Because youth are particularly susceptible to developing nicotine's addictive properties, the widespread availability of e-cigarettes in Maryland risks poses a long-term danger to this vulnerable population.

¹ CDC, F.R. Ali et al. "E-cigarette Unit Sales by Product and Flavor Type, and Top-Selling Brands, United States, 2020–2022," *Morbidity & Mortality Weekly Report*, vol. 72 no. 25, 672–77 (June 23, 2023), <https://www.cdc.gov/mmwr/volumes/72/wr/pdfs/mm7225a1-H.pdf>.

² Maryland Dep't of Health, *Youth Risk Behavior Survey/Youth Tobacco Survey (YRBS/YTS) 2021-2022*, <https://health.maryland.gov/phpa/ccdpc/Reports/Pages/State-Level-Data,-2021-2022.aspx>.

Senate Bill 1056 helps solve this problem by making Maryland's licensed Vape Shop Vendors the only entities authorized to sell ESDs to the public, and by requiring that ESDs are the only products that Vape Shop Vendors are allowed to sell. This will remove ESDs from retail environments, such as convenience stores, which are frequented by youth. SB 1056 makes it easier for responsible and law-abiding Vape Shop Vendors to enforce Maryland's prohibition on sales of ESDs to any person under the age of 21 by requiring that all tobacco and ESD products be located behind the counter, accessible only to employees of the Vape Shop Vendor. In addition, Senate Bill 1056 bans sales of ESDs directly from the manufacturer to consumers online or by mail, thus eliminating a loophole in Maryland law which allows teens to order ESDs from unscrupulous suppliers over the internet.

The Office of the Attorney General also believes that the Committee should consider ways to make enforcement of Senate Bill 1056 even more effective, by authorizing the Alcohol, Tobacco, and Cannabis Commission to conduct unannounced inspections of Vape Shop Vendors to ensure compliance with the law and to seize contraband products. The Attorney General also recommends that SB 1056 include a requirement that Vape Shop Vendors obtain their ESD merchandise from Maryland's licensed ESD wholesalers. This would create the same chain of distribution for e-cigarettes that governs Maryland's cigarette industry and facilitate effective enforcement of Maryland law.

For the foregoing reasons, the Office of the Attorney General urges a favorable report on Senate Bill 1056.

SB1056 LOS.pdf

Uploaded by: Ashiah Parker

Position: FAV



The Honorable Pam Beidle
Senate Finance Committee, Chair
Miller Senate Office Building, 3 East Wing
11 Bladen St.
Annapolis, MD 21401

March 7, 2024

RE: SB 1056 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices -
Revisions (Tobacco Retail Modernization Act of 2024)
POSITION: FAVORABLE

Dear Chair Beidle,

I am writing to you as the Executive Director of No Boundaries Coalition, living in Baltimore, to express my support for SB 1056, the Tobacco Retail Modernization Act of 2024. I support this bill because I believe that sale of tobacco products should be limited because of the danger of affects. My advocacy is to ensure that big tobacco ends the targeting of black and brown communities and youth.

Despite progress in tobacco control, the problem of youth access to tobacco products, including e-cigarettes, remains significant. Data indicates that over 48,000 Maryland high school students **self-report** they use tobacco products, a number that likely falls short of the true total. The marketing strategies and new products like flavored e-cigarettes target and hook kids, Big Tobacco's next generation of customers.

The impact of youth tobacco use is both a public health and economic burden. Maryland incurs annual healthcare costs of approximately \$3.14 billion directly related to smoking, and 27.5% cancer-related Maryland deaths can be traced to tobacco use. We must act now to mitigate its influence on the health of our children and our communities at large. SB 1056 proposes to impose stricter penalties on illegal sales to minors, including increased fines and potential license suspension for violators, restrict access to vapes to licensed dealers, and mandates a study on youth access to tobacco products. It also increases the cost of the tobacco retail license to help fund enforcement activities by our state and county agencies that help protect our communities from bad actors. These steps are crucial for developing effective healthcare and public health strategies to protect Maryland's youth and to ensure that retailers are held accountable to state and federal law.

"deconstructing boundaries, building commUNITY"

P.O. Box 12825, Baltimore, MD 21217 | 410-800-2452 | www.noboundariescoalition.com



I urge you to vote in favor of SB 1056, the Tobacco Retail Modernization Act of 2024.
Thank you for your consideration and for taking a stand on behalf of our youth,

Sincerely,

Ashiah Parker, Executive Director
No Boundaries Coalition

“deconstructing boundaries, building commUNITY”

P.O. Box 12825, Baltimore, MD 21217 | 410-800-2452 | www.noboundariescoalition.com

Support for SB1056.pdf

Uploaded by: Candice Gott

Position: FAV

Support for SB1056

Maryland Vapor Alliance

I am writing on behalf of the Maryland Vapor Alliance (MVA) to offer our support for HB1180 and to express our appreciation for the committee's thoughtful legislation. We believe this legislation will serve to solve problems and no longer reward the bad actors in the industry.

As you are aware, vape products belong in vape shops. The FDA reports have consistently shown that convenience stores and tobacco shops fail compliance checks, while vape shops have a clear track record with none on the current FDA compliance list. This legislation will help to ensure that vape products remain in the hands of responsible retailers, thus ensuring the safety of consumers.

Small business vape shops have played an instrumental role in Maryland's success in coming in second for the lowest smoking rate in the United States. We believe that this legislation will help kickstart Maryland to having the lowest smoking rate in the country. We are confident that this bill will help to protect small business vape shops and promote a healthier Maryland.

Thank you for your time and consideration on this matter. We appreciate your dedication to the safety and well-being of Maryland's citizens.

Dagmawit (Youth Activism Project) TFK Testimony.pdf

Uploaded by: Dagmawit Assefa

Position: FAV



The Honorable Pam Beidle
Senate Finance Committee, Chair
Miller Senate Office Building, 3 East Wing
11 Bladen St.
Annapolis, MD 21401

March 7, 2024

RE: SB 1056 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions
(Tobacco Retail Modernization Act of 2024)

POSITION: FAVORABLE

Dear Chair Beidle,

I am writing to you as a Dagmawit Assefa, student/youth advocate, and living in Silver Spring MD, to express my support for SB 1056, the Tobacco Retail Modernization Act of 2024. I am especially grateful to the Chairman of this committee for his leadership in sponsoring the bill.

Despite progress in tobacco control, students still have access to tobacco products. It hurts to witness how easy it is to access tobacco products within my school community. The impact of these substances are very harmful for students as it will be a hindrance to their academic success, mentally and physically.

The impact of tobacco goes beyond the people using them, it affects the people around them as well. Once the majority of students have it (which they do), it's easy for it to be deemed as "cool" and "trendy". Peer pressure is also a factor in the spread of tobacco usage. I know a few people who have been peer pressured into smoking and other unhealthy habits. They all ended up not being able to focus as much as they used to, they were always tired and in a mad mental state overall. In general, tobacco puts us all in an unhealthy atmosphere which can hinder our learning and doing basic tasks.

The need for such legislation is broadly recognized, with eighty-one percent of Maryland voters supporting action against Big Tobacco to safeguard. I urge you to vote in favor of SB 1056, the Tobacco Retail Modernization Act of 2024.

Thank you for your consideration and for taking a stand with me.

Sincerely,
Dagmawit Assefa
Youth Activism Project

Finn (Youth Activism Project) TFK Testimony.pdf

Uploaded by: Finnan Beals-Simon

Position: FAV



The Honorable Pam Beidle
Senate Finance Committee, Chair
Miller Senate Office Building, 3 East Wing
11 Bladen St.
Annapolis, MD 21401

March 7, 2024

RE: SB 1056 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions
(Tobacco Retail Modernization Act of 2024)

POSITION: FAVORABLE

Dear Chair Beidle,

I am writing to you as Finnan Beals-Simon, student/youth advocate, living in Silver Spring, to express my support for SB 1056, the Tobacco Retail Modernization Act of 2024. I support this bill because as a senior at Spring brook High School in MCPS, I can tell you that vaping has become so common among people my age, largely because it is so accessible and normalized. It's very common to see someone vaping in the back of the class, especially when there is a sub, but even when the teacher is there. I have even been in an anti-vaping assembly where people are vaping one row ahead of me. Before my dad quit, I would walk into his office so I could use his computer to play games with my friends, but I would be immediately hit by the stench of tobacco and I was lightheaded immediately. Like many people, especially now, my dad started using tobacco products in high school, and just like many others, he couldn't quit until well into my life.

Vaping is clearly an issue among minors with data from the CDC stating that in 2023 10% of middle schoolers and high schoolers vape in the US, but why? Young people are attracted to vapes because of the fun flavors, and its marketing as being safer than smoking. These youths are likely blindsided by the addiction and difficulty of quitting that await them. My Dad quit 10 years ago and he still has to chew nicotine gum to prevent withdrawals.

With all of these issues being so apparent and current measures like sharing the dangers of vaping in health classes and anti-vaping assemblies clearly not doing enough, why do you need *me* to tell you that these obvious problems are existent and not being solved? As elected officials you should be proactive about fixing these issues as it affects the lives of your constituents. As elected officials, you should care about the lives of your constituents more than the money from the tobacco industry, but you clearly don't as you have not taken nearly enough steps to curb the issue of tobacco use by the youth. These problems should have been solved the moment they became apparent. Big tobacco needs to be held accountable for marketing to kids and we need more personal measures like counseling and support groups in schools so these tools can be readily accessible to those who the problem heavily affects. I urge you to vote in favor of SB 1056, the Tobacco Retail Modernization Act of 2024.

Thank you for your consideration and for taking a stand with me.

Sincerely,
Finnan Beals-Simon
Youth Activism Project

Favorable Testimony for HB 1180 - Tobacco Retail M

Uploaded by: Flannery Lee

Position: FAV

Delegate C.T. Wilson
Economic Matters Committee, Chairman
Lowe House Office Building, Room 231
6 Bladen St., Annapolis, MD 21401

February 20, 2024

RE: HB 1180 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024)

POSITION: FAVORABLE

Dear Chairman Wilson,

My name is Flannery Lee, and I am here as a YAP representative, activist, and student living in Baltimore City, expressing my support for HB 1180. I can not stress enough the need for this bill, and I am especially grateful to Chairman Wilson for his leadership in sponsoring this.

As we all know, the problem of youth access to tobacco products remains a significant public health and economic issue. Data indicates that over 48,000 Maryland high school students use tobacco products, a number that likely falls short of the real total. Big Tobacco industries have hooked my friends, my classmates, and even my family by their strategic marketing and flavor components. To set the stage, It's estimated that smoking will prematurely kill 92,00 kids now living in our state. These ESDs impact not only youth development but our economy, Maryland incurs annual healthcare costs of approximately \$3.14 billion directly related to smoking. Keeping these staggering figures in mind, it is of life or death important that Maryland produces a conclusive and multifaceted approach to this crisis.

HB 1180s' proposals take a significant step towards this by limiting manufacture power and sale of ESD to licensed vendors. Controlling ESD purchasing to vape stores will significantly reduce teen access. However, lawmakers need to go even further. While limiting access is important, this bill needs to include provisions to educate youth about the direct correlation of ESD products and what we, as teens, do. We need PSAs and visual advertisements in these vape stores that specifically target what youth care about. We as Gen-Z are a visual generation: we care about sports, skin, and how we look. If these in-person required advertisements target ESD's effects it's much more probable that other teens will develop a well rounded perspective of just how

detrimental these are. Along with more targeted advertisements, I encourage the ATCC and MDH to use the data from the end of year report to thoroughly look at the manufacturer's role in tobacco retail, tackling the root cause of this issue.

Finally, I support raising the licensing fee: the idea that counties will use \$100 from each license to enforce existing preventive laws shows Maryland's commitment to protecting teens from the dangers of vaping. I strongly support earmarking these allotments for these previously mentioned visual advertisements.

I urge you to vote in favor of this bill, the Tobacco Retail Modernization Act of 2024, and am looking forward to the development this bill will take on, as well as the continuation of youth voices in the implementation and editing process.

Thank you for your consideration and for taking a stand with me.

Sincerely,
Flannery Lee
Youth Activism Project

SB 1056 Dr. Weaks Maryland Center for Health Equi

Uploaded by: Francesca Weaks

Position: FAV



Maryland Center for Health Equity
2242 SPH Building (# 255)
College Park, Maryland 20742-2611

March 7th 2024

The Honorable Pam Beidle
Senate Finance Committee, Chair
Miller Senate Office Building, 3 East Wing
11 Bladen St.
Annapolis, MD 21401

RE: SB 1056 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions
(Tobacco Retail Modernization Act of 2024)

POSITION: FAVORABLE

Chair Beidle,

My name is Dr. Francesca Weaks , a Faculty Researcher at University of Maryland Center for Health Equity ,where I have the pleasure to work with Dr. Stephen B. Thomas, Professor of Health Policy and Management and Director, the University of Maryland Center for Health Equity. I speak in my personal capacity today. I appreciate the opportunity to hear my support for Senate Bill 1056- Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024). I urge a favorable report on Senate Bill 1056.

According to the CDC (2023), 2.13 million U.S. middle and high school students reported using e-cigarettes in the past 30 days, including 4.6% of middle school students and 10.0% of high school students. E-cigarettes are being marketed to youth and young adults as a less harmful alternative to cigarettes. Although true, e-cigarettes still contain potentially harmful substances, including nicotine, heavy metals like lead, volatile organic compounds, and cancer-causing agents (US Department of Health and Human Services, 2016).

E-Cigarettes contain nicotine , an addictive chemical that can have a significant impact on the development of adolescent's brains and can harm the parts of the brain that control attention, learning, mood, and impulse control until development ends at age 25(Taylor, 2014). E-cigarettes are a gateway to smoking cigarettes. Obisesan et. al (2019) found that youth e-cigarette and cigarette use have been associated with mental health symptoms such as depression.

I am deeply committed to helping to address the public health challenges of underserved

communities across Maryland and the country, and ensuring these communities have trust in the health care system and public health systems. I believe that updating the standing order to limit sales of tobacco products is an accountable and responsible decision for all Marylanders.

Thank you for your consideration. Again, I urge a favorable report on Senate Bill 1056

Sincerely,

Francesca Weeks

Francesca Weeks
Faculty Researcher
Maryland Center for Health Equity
University of Maryland, School of Public Health
Email: fweeks@umd.edu

Hamdi (Youth Activism Project) TFK Testimony.pdf

Uploaded by: Hamdi Osman

Position: FAV



The Honorable Pam Beidle
Senate Finance Committee, Chair
Miller Senate Office Building, 3 East Wing
11 Bladen St.
Annapolis, MD 21401

March 7, 2024

RE: SB 1056 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions
(Tobacco Retail Modernization Act of 2024)

POSITION: FAVORABLE

Dear Chair Beidle,

I am writing to you as Hamdi Osman, student/ youth advocate, living in Silver Spring, Maryland to express my support for SB 1056, the Tobacco Retail Modernization Act of 2024. I support this bill because I am a student who has been impacted. Before I entered high school in 2020, knowing someone who had access or used any type of drugs was almost unheard of for me. In the eyes of my peers and I, it was seen as out of the ordinary and something that could only be done in the movies. Back then, drugs seemed far-fetched, and way out of our grasps.

Never would I have imagined that drugs would become a norm. Like clockwork, it's almost a day-to-day occurrence where I see girls huddled around each other passing around vapes. The smoke fills the back of the school bathroom and a thick vapor along with a prominent fruity scent is overly present. Sometimes, I'll spot girls during the times I leave class to use the restroom, sitting on the floor of the biggest stall, skipping class to vape.

Vaping, to me, feels like a gateway drug. I see younger classmen try vaping, get hooked, and then shortly after try marijuana which can be often laced with something stronger. The amount of overdoses and health issues that I have heard happened because kids are getting into drugs doesn't seem normal. This shouldn't be happening at all. It's scary that my school and community have been administering lessons to combat the opioid crisis because of the amount of incidents that have occurred. We are just kids, we shouldn't be given lessons on how to deal with a person overdosing. It feels like this problem where kids are getting into drugs is getting worse day by day. There needs to be a change.

I urge you to vote in favor of SB 1056, the Tobacco Retail Modernization Act of 2024.

Thank you for your consideration and for taking a stand with me.

Sincerely,
Hamdi Osman
Youth Activism Project

sb 1056 final .pdf

Uploaded by: Kristin Jimison

Position: FAV



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PHONE (202) 296-5469 • FAX (202) 296-5427

March 7, 2024

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

Re: Senate Bill 1056: Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024) –

POSITION: Favorable

Dear Chair Beidle and Members of the Finance Committee:

On behalf of the Campaign for Tobacco-Free Kids, my name is Kristin Jimison, and I am here today in full SUPPORT of SB1056: The Tobacco Retail Modernization Act of 2024 (“TRMA”).

We want to thank Senator Kramer for his leadership on this effort. We appreciate the Senator for meeting with us in the interim to discuss how we might approach reducing the harms of tobacco use on Maryland children, and very much appreciate his support and sponsorship of SB 1056.

We believe this bill offers common sense strategies for Maryland to reduce accessibility of tobacco products for kids in Maryland and to hold bad actors accountable for making products available to children. The bill also simply aligns with federal law in several instances. We look forward to working with the sponsor and other stakeholders should they have any suggestions to strengthen the bill.

Despite decades of progress in reducing smoking rates, kids are still accessing and using tobacco products, including e-cigarettes in Maryland. Today over 48,000 Maryland high school students self-report using tobacco products. We have heard from countless teachers and students that vaping, in particular, is a tremendous problem in schools.

With tobacco companies continuing to market to a new generation of lifelong customers, we cannot rest on past progress, or risk backsliding as new products and new marketing strategies continue to attract kids to tobacco use. In fact, the tobacco industry spends \$8.6 billion annually in marketing - that’s nearly one million dollars per hour, with more than \$95 million directly targeted at Marylanders.

The tobacco industry relentlessly targets our kids and other vulnerable communities. We need every tool possible to counter illicit sales and enforce tobacco laws. TRMA provides funding and tools to help Maryland’s tobacco enforcement agencies hold bad actors accountable and limit the ability for kids to access tobacco products. It also ensures that we have current and accurate data to make informed future policy improvements.

With each year that passes, our *youth* tobacco crisis becomes an ongoing *adult* tobacco crisis and creates another \$3.14 billion in annual Maryland healthcare costs directly caused by smoking. The toll of human suffering is considerable. In fact, 27.5% of cancer deaths in Maryland are attributable to smoking.

A vast majority of Marylanders understand continued action must be taken, and support doing so: A recent poll conducted by OpinionWorks found that 81% of Maryland likely voters support taking further action to prevent the sale of tobacco to our kids.

The TRMA is a vitally important part of the long-term solution. It strengthens existing Maryland Law in three key areas:

Licensing Reform

- Increase the tobacco retailer license fee and use those funds to pay for enforcement activities.
- Increase penalty for sales to minors, authorize courts to temporarily suspend retail licenses for repeat violations, and offer the ability for courts to revoke licenses for especially bad actors.

Limiting Youth Access to Tobacco

- Adopt best practices including sale-to-minors audits, prohibiting sales in pharmacies, and restricting sales of e-cigs/vapes to specially licensed dealers.

Youth Tobacco Access and E-Cigarette Study

- Study issues related to youth tobacco access and e-cig use, including mapping current retail license density and proximity to schools and healthcare facilities, and the public health impact to young people of tobacco and e-cig/vape use.

These points of progress will help protect the health and future of our kids and prepare Maryland to win the war against tobacco-related addiction, disease and death.

For these reasons, The Campaign for Tobacco-Free Kids supports the TRMA and urges a favorable report from the Committee.

Sincerely,

A handwritten signature in black ink that reads "Kristin Jimison". The signature is written in a cursive, flowing style.

Kristin Jimison

Director of Advocacy, Mid-Atlantic Region

Kyle (Youth Activism Project) TFK Testimony.pdf

Uploaded by: Kyle Olabi

Position: FAV



The Honorable Pam Beidle
Senate Finance Committee, Chair
Miller Senate Office Building, 3 East Wing
11 Bladen St.
Annapolis, MD 21401

March 7, 2024

RE: SB 1056 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions
(Tobacco Retail Modernization Act of 2024)

POSITION: FAVORABLE

Dear Chair Beidle,

I am writing to you as Kyle Olabi, student/youth advocate, living in Silver Spring, Maryland, to express my support for SB 1056, the Tobacco Retail Modernization Act of 2024. I support this bill because growing up throughout my life I have noticed how people around me are beginning to become more addicted to these flavored tobacco products. Everywhere I go whether it be the store or school I always see someone with them. I even began to notice these products in my own home when I was younger. My own siblings have gotten their hands on these products and would always be in the garage with their friends using it. I am still able to remember the stench of the flavored tobacco hitting me in the face every time I walked into that garage just to pick up an item for my parents. When I grew up I thought that they started to become more irrelevant in life until I hit middle school. While I was sitting in theater class I was able to notice some of my peers using flavored tobacco products in the corner. That wasn't the only instance I noticed these products in school. I even was familiar with a kid who would be selling them in school to other students as well. The only thing going through my mind at the time wasn't school work but it was more like I needed to get out of there as soon as possible. I didn't really get to hang out much after school because everyone around seemed to be addicted to these products and I didn't want to be dragged into these products with them.

After what felt like escaping the insufferable cloud in middle school I finally got to high school where I was thinking that finally people would be open with each other and not have their heads in their products. It seemed like wishful thinking but I was really hoping for the best. Just like my expectations with middle school, flavored tobacco seemed to be more severe in high school. Every time I go to the bathroom there is always someone in the stall and I can smell the flavored tobacco in the air. The administration has held multiple assemblies regarding this issue and they even closed the bathrooms on the third floor of my building. If that wasn't enough they even implemented a period where in the early morning we can only stay on the first floor until 20-25 minutes before class. I am so sick of all of these flavored tobacco products leaving an impact on my life. I have been trying to avoid this constantly but it is so apparent around me that I can never truly avoid it. Students seem to be at each other's throats just for some of these flavored tobacco products and it makes it hard to feel safe in my own school. I just try to get home as safe as I can because the last thing I want is to put my mom through grief just for accidentally getting in someone's way to get a puff of these products.

In order to pave a safer path for the students of the future these companies need to stop lying to the

youth claiming that these products are healthier than weed because they don't contain nicotine so they won't cause an addiction. But an addiction is caused due to an overflow of dopamine and as long as these youth can get that rush they will never quit and do anything to get that dopamine rush. Without a change society can easily take a turn for the worse leaving a dangerous environment for the kids of the future. To be able to successfully create a safe environment for the children of the future I ask our policy makers to stand up and do something to attempt to ban these products because imagine if it was your own child that was addicted to these flavored tobacco products unable to break free from its sealed grasp on them. That is what multiple parents have to deal with because you aren't doing anything to help us fight it. So I ask again, fight with us and ban these products. I urge you to vote in favor of SB 1056, the Tobacco Retail Modernization Act of 2024.

Thank you for your consideration and for taking a stand with me.

Sincerely,
Kyle Olabi
Youth Activism Project

ACSCAN_FAVwAMENDMENTS_SB1056.pdf

Uploaded by: Lance Kilpatrick

Position: FAV



Memorandum In Support of SB 1056 – Senator Kramer

Senate Finance Committee

March 7, 2024

American Cancer Society Cancer Action Network is the nonprofit nonpartisan advocacy affiliate of the American Cancer Society. ACS CAN empowers cancer patients, survivors, their families and other experts on the disease, amplifying their voices and public policy matters that are relevant to the cancer community at all levels of government. We mobilize our powerful grassroots network of cancer advocacy volunteers to bring awareness to lawmakers like yourself on cancer issues that matter to your constituents.

ACS CAN supports SB 1056 inclusive of the technical amendments being offered by the bill sponsor.

This year it is estimated that 36,410 Marylanders will hear the chilling phrase “you have cancer.” It’s also estimated that almost 10,310 will die from cancer.

Tobacco use has been found to be one of the primary drivers of cancer-related health disparities because its use disproportionately impacts people based on race, ethnicity, sexual orientation, gender identity, disability status, mental health, income level, education level, and geographic location. Achieving health equity relies heavily on eliminating tobacco use. ACS CAN is pursuing fact-based tobacco control policies at the local, state and federal levels that aim to reduce disparities and improve health outcomes for everyone.

To that end, SB 1056 truly looks to “modernize” existing law in Maryland through a variety of changes that, taken together, tightens regulatory requirements and enhances the State’s ability to both enforce existing law and push back on the marketing and availability of tobacco products, particularly to underage boys and girls. Among the highlights SB 1056 would address includes:

- Displaying cigarettes and other tobacco products by licensed providers would be restricted to behind the counter;
- Limiting where electronic smoking devices are sold;
- Strengthening age identification checks;
- Increasing license fees for the first time in decades while increasing enforcement checks on retailers.

ACS CAN thanks the Chair and committee for the opportunity to testify and urges a favorable report of SB 1056.

Support HB 1180 TRL AHA .pdf

Uploaded by: Laura Hale

Position: FAV



February 16, 2024

Testimony of Laura Hale

American Heart Association

**Support HB 1180 Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions
(Tobacco Retail Modernization Act of 2024)**

Dear Chair Wilson, Vice Chair Crosby and Honorable Members of the Economic Matters Committee,

Thank you for your time and consideration on this important legislation for heart health. My name is Laura Hale and I am the Director of Government Relations for the American Heart Association. The American Heart Association extends its support House Bill 1180 – Tobacco Retail Modernization Act of 2024 including the technical amendments offered by the sponsor.

We applaud Chair Wilson for putting in this strong piece of tobacco control legislation that makes sense for health and for business.

Strong retail licensure requirements are a proven way to prevent and limit youth use of tobacco products¹. By increasing the cost to attain a license, the state can use these funds for better enforcement of tobacco control laws and will have funding to be process the paperwork. The current fee is so low, it doesn't account for the needs of the government to process the license and to do enforcement required for both state and federal compliance. Increasing these fees are essential in the business of running the state and will better equip the state and local health departments to do enforcement checks. Maintaining these checks are essential and are also tied into federal compliance under the SYNAR program. SYNAR provides block grants to the state of Maryland that we can (and have in the past) lose for lack of compliance for selling to people under 21.

One in 10 middle and high school students under 18 report obtaining e-cigarettes at a gas station or convenience store². By addressing where these items are sold we can also address increased use of these deadly products.

Places with stronger retail licensure requirements have lower rates of cigarette and e-cigarette use and initiation among both youth and young adults³. This bill strengthens the retail licensure

¹ Astor, R.L., Urman, R., Barrington-Trimis, J.L., Berhane, K., Steinberg, J., Cousineau, M., Leventhal, A.M., Unger, J.B., Cruz, T., Pentz, M., Samet, J.M., & McConnell, R. (2019). Tobacco Retail Licensing and Youth Product Use. *Pediatrics*, 143 (2), Article e20173536. <https://doi.org/10.1542/peds.2017-3536>

² Liu, S. T., Snyder, K., Tynan, M. A., & Wang, T. W. (2019). Youth Access to Tobacco Products in the United States, 2016-2018. *Tobacco Regulatory Science*, 5(6), 491–501. <https://doi.org/10.18001/TRS.5.6.2>

³ Source: Astor, R.L., Urman, R., Barrington-Trimis, J.L., Berhane, K., Steinberg, J., Cousineau, M., Leventhal, A.M., Unger, J.B., Cruz, T., Pentz, M., Samet, J.M., & McConnell, R. (2019). Tobacco Retail Licensing and Youth Product Use. *Pediatrics*, 143 (2), Article e20173536. <https://doi.org/10.1542/peds.2017-3536>

requirements in the state in proven effective ways that are key for tobacco control and are good business practices for the state.

The American Heart Association urges a favorable report on this legislation.

SB 1056 - TBK.pdf

Uploaded by: Laura Stewart

Position: FAV



5730 Cottonworth Avenue, Box 20924, Baltimore, MD 21209

The Honorable Pam Beidle
Senate Finance Committee, Chair
Miller Senate Office Building, 3 East Wing
11 Bladen St.
Annapolis, MD 21401

March 7, 2024

RE: SB 1056 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024)

POSITION: FAVORABLE

Dear Chair Beidle,

I am writing to you as the current President of Free State PTA which is the state PTA and the largest child advocacy organization in the State of Maryland to express my support for SB 1056, the Tobacco Retail Modernization Act of 2024. I support this bill because the bill will place more stringent guidelines on the accessibility and marketing of tobacco product to our children.

Despite progress in tobacco control, the problem of youth access to tobacco products, including e-cigarettes, remains significant. Data indicates that over 48,000 Maryland high school students **self-report** they use tobacco products, a number that likely falls short of the true total. The marketing strategies and new products like flavored e-cigarettes target and hook kids, Big Tobacco's next generation of customers. The impact of youth tobacco use is both a public health and economic burden. Maryland incurs annual healthcare costs of approximately \$3.14 billion directly related to smoking, and 27.5% cancer-related Maryland deaths can be traced to tobacco use. We must act now to mitigate its influence on the health of our children and our communities at large.

SB 1056 proposes to impose stricter penalties on illegal sales to minors, including increased fines and potential license suspension for violators, restrict access to vapes to licensed dealers, and mandates a study on youth access to tobacco products. It also increases the cost of the tobacco retail license to help fund enforcement activities by our state and county agencies that help protect our communities from bad actors. These steps are crucial for developing effective healthcare and public health strategies to protect Maryland's youth and to ensure that retailers are held accountable to state and federal law.

I urge you to vote in favor of SB 1056, the Tobacco Retail Modernization Act of 2024.

Thank you for your consideration and for taking a stand on behalf of our youth,

:

Sincerely,

A handwritten signature in cursive script that reads "Gerrod Tyler".

Gerrod Tyler
Free State PTA President

LOS NBBC.pdf

Uploaded by: Lisa Weah

Position: FAV



Bishop Lisa M. Weah, D.Min.

New Bethlehem Baptist Church
1354 N. Carey St.
Baltimore, Maryland 21217
410-669-9119
thenbbc@gmail.com

The Honorable Pam Beidle
Senate Finance Committee, Chair
Miller Senate Office Building, 3 East Wing
11 Bladen St.
Annapolis, MD 21401

March 7, 2024

RE: SB 1056 - Cigarettes, Other Tobacco Products, and Electronic Smoking
Devices - Revisions (Tobacco Retail Modernization Act of 2024)
POSITION: FAVORABLE

Dear Chair Beidle,

I am writing to you as the pastor of New Bethlehem Baptist Church, living in Baltimore, to express my support for SB 1056, the Tobacco Retail Modernization Act of 2024. I support this bill because it is very important limit the access of tobacco products to youth and community of color. For decades, the tobacco industry has targeted young people and communities of color to use their products. As a result, we have generations of people who have poor health. The faith community will stand with advocates to ensure that Maryland legislators move forward laws the support community needs.

Despite progress in tobacco control, the problem of youth access to tobacco products, including e-cigarettes, remains significant. Data indicates that over 48,000 Maryland high school students **self-report** they use tobacco products, a number that likely falls short of the true total. The marketing strategies and new products like flavored e-cigarettes target and hook kids, Big Tobacco's next generation of customers.

The impact of youth tobacco use is both a public health and economic burden. Maryland incurs annual healthcare costs of approximately \$3.14 billion directly related to smoking, and 27.5% cancer-related Maryland deaths can be traced to tobacco use. We must act now to mitigate its influence on the health of our children and our communities at large.

WWW.THENBBC.ORG



Bishop Lisa M. Weah, D.Min.

New Bethlehem Baptist Church
1354 N. Carey St.
Baltimore, Maryland 21217
410-669-9119
thenbbc@gmail.com

SB 1056 proposes to impose stricter penalties on illegal sales to minors, including increased fines and potential license suspension for violators, restrict access to

vapes to licensed dealers and mandates a study on youth access to tobacco products. It also increases the cost of the tobacco retail license to help fund enforcement activities by our state and county agencies that help protect our communities from bad actors. These steps are crucial for developing effective healthcare and public health strategies to protect Maryland's youth and to ensure that retailers are held accountable to state and federal law.

I urge you to vote in favor of SB 1056, the Tobacco Retail Modernization Act of 2024.

Thank you for your consideration and for taking a stand on behalf of our youth,
Sincerely,

A handwritten signature in black ink, appearing to read "Lisa M. Weah".

Dr. Lisa Weah, Pastor
New Bethlehem Baptist Church

Favorable SB1056 .pdf

Uploaded by: Melissa Hendrix

Position: FAV

Melissa Hendrix

114 Tennessee Road

Stevensville, MD 21666

Thank you, committee members, for allowing me to speak today. I am here in support of bill SB1056 as this would help keep vapes out of the hands of teens. This bill has a lot of potential to help reduce the number of teens using vape products because it places all the vapes in businesses that only allow 21 and over adults. We are dedicated to helping keep vapes out of the hands of teens. If you look at the compliance checks from the FDA the bad actors are the convenience stores or stores that allow anyone under the age of 21 to enter.

Vapes belong in vape shops where the employees understand the product and are knowledgeable about what they sell. We have the education to help customers purchase the right product for themselves along with the knowledge and know how to use the product. When customers walk into a convenience store to purchase a vape product, they will not get the education like they do when they walk into a vape shop.

Maryland has the second lowest smoking rate in the United States and small business vape shops have really helped to ensure that remains. We believe that this legislation will protect small business vape shops and make Maryland healthier. My family was full of smokers and now most of them do not smoke or vape anymore to me that is making Maryland healthier with one person at a time.

Thank you for your time and consideration on this matter.

Written Testimony Letter.pdf

Uploaded by: Nabeehah Azeez

Position: FAV

March 6, 2024

Testimony on SB 1056
Fight Flavored Tobacco in Maryland

Position: Favorable

Nabeehah Azeez supports SB 1056 Tobacco Retail Modernization Act
District 40 Resident & Board Member of Masjid Ul Haqq Baltimore

SB 1056 is legislation that would end the sale of all flavored tobacco products in Maryland, including electronic smoking devices, menthol cigarettes, flavored cigars, and smokeless tobacco. I urge the Finance Committee move forward a bill without amendments, free from the type of regulatory loopholes Big Tobacco has exploited for decades.

Flavored tobacco products lure kids into a life-long struggle with deadly addiction, hooking them on products in flavors like minty menthol, glazed donut, gummy bear, and cotton candy.

For decades, the tobacco industry has targeted Black and Brown communities with their predatory marketing of flavored tobacco products, namely menthol cigarettes. As a result, a staggering 85 percent of all African American smokers smoke menthol cigarettes, resulting in a disproportionate burden of tobacco-related disease and death. African Americans are more likely to die from tobacco-related causes than any other race or ethnic group.

As a community worker in Central West Baltimore, I am shocked by the number of youth (and adults) who still use tobacco products, especially flavored vapes, even though it is common knowledge how deadly tobacco is.

As a person of faith, I feel obligated to support a mission to stop Big Tobacco from targeting Maryland's children and Black and Brown communities.

To protect the health and futures of Maryland's youth, we must end the sale of **all** flavored tobacco products in Maryland. I strongly urge the Maryland legislators in the Finance Committee to support SB 1056

Sincerely,

Nabeehah Azeez

Nabeehah Azeez
40th District Resident & Board Member of Masjid Ul Haqq Baltimore

SB 1056 - Tobacco.pdf

Uploaded by: NaShona Kess

Position: FAV



NAACP

Maryland
STATE CONFERENCE

March 7, 2024

Finance
Maryland General Assembly
Annapolis, Maryland

Re: SB 1056 – Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Revisions
(Tobacco Retail Modernization Act of 2024)

Members of the Committee,

I am writing to offer the strong support of the Maryland NAACP for Senate Bill 1056, sponsored by Senator Kramer. This bill is a critical step forward in addressing the devastating impact that tobacco has had on communities of color in our state.

For decades, the tobacco industry has targeted communities of color with aggressive marketing tactics and predatory advertising. As a result, African American and other minority populations suffer disproportionately from tobacco-related illnesses and deaths. The statistics are alarming: African American adults have the highest smoking related diseases of any racial or ethnic group in the United States, such as lung cancer and heart disease exact a heavy toll on people of color.

Senate Bill 1056 addresses this public health crisis by taking several important measures. By prohibiting the display of cigarettes, other tobacco products, and electronic smoking devices for sale unless located behind a counter, this bill will reduce the visibility of these harmful products and discourage impulse purchases, especially among our youth. Additionally, requiring certain licensed retailers to verify an individual's date of birth before selling tobacco products will help prevent underage access to these addictive substances.

Furthermore, by altering the application fee for a county license to sell cigarettes at retail, Senate Bill 1056 recognizes the financial burden that tobacco imposes on our communities. The revenue generated from this fee increase can be used to fund tobacco prevention and cessation programs, as well as other initiatives aimed at improving the health and well-being of communities of color.

But beyond the economic and public health implications, Senate Bill 1056 is a matter of social justice. It is a declaration that every individual, regardless of race or socioeconomic status, deserves the opportunity to live a healthy and fulfilling life, free from the grip of addiction and disease. It is a statement against the exploitation of vulnerable communities by powerful corporate interests.

I urge members of the Senate Committee on Finance for a favorable report of Senate Bill 1056. Let us send a clear message that the health and well-being of our communities are paramount, and that we will not allow the tobacco industry to continue its assault on our most vulnerable populations.

Thank you for your attention to this important matter.

In Service,

NaShona Kess, Esq., MLS

Executive Director

NAACP Maryland State Conference

NaShonaKess.mdnaacp@gmail.com

SPatre testimony_ TBA 2024.pdf

Uploaded by: Shama Patre

Position: FAV

Shama Patre

HB 1180 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions
(Tobacco Retail Modernization Act of 2024)

Position: favorable

My name is Shama Patre, and I am a sophomore attending Marriotts Ridge High School in Howard County. I am testifying in favor of SB1056, the Tobacco Retail Modernization Act of 2024, and to tell you how the availability and accessibility of tobacco and electronic smoking devices have affected me. As a high schooler, I am in contact with many of my peers who regularly use ESDs, OTPs etc. I am often tempted to begin using them as well because of the people around me and the social glorification of using ESDs. It makes me feel unsafe. It makes me sad to see people fall prey to such money making schemes, people my age who have so much potential, who are wasting their time on unhealthy habits which can be stopped.

I had a good friend on the basketball team that I played on at school. She was addicted to vaping. She couldn't go a few hours without a hit. Before and after every game I would often walk in on her vaping. She'd offer me a hit at times as well. I would see the change it had on her. She waved it away, as if it was supposed to be normal and I was the one in the wrong for being concerned. I'd watch her energy deplete everyday. Her athletics and academics began to drop, while her eyes looked more and more bloodshot everyday. I watched her spend more and more time towards her addiction and she had less time to focus on other things. High school is not only the best years of your life, but also decides your future. She physically could not study and play as well as she used to. She still has not recovered from this addiction and it continues to consume a large part of her life. How is she supposed to do all the things required to get into a good college for a good future if she is consumed by tobacco constantly?

I witness students, my peers, being consumed by tobacco and vapes countless times throughout the day. It exhausts their body and you see the physical signs of the addiction they deny having. Many people I once knew are deeply changed by the ESDs they use everyday. Being surrounded by so many addicted people, I am often tempted to use as well. Vaping and tobacco use has become too normalized in today's world, especially in school. It is marketed and seen as something that you have lots of fun while doing and will miss out on if you do not participate. They way big tobacco companies make fun flavors, enticing packaging and advertisements, draws youth into these traps. This is especially detrimental to their health and can cause shortness of breath, lasting effects on brain development, and less stamina.

ESDs and OTPs shouldn't be so easily accessible to teenagers. Tobacco ads feed the notion that everyone smokes – and has lots of fun while doing it. It makes the youth feel like they're missing out. If tobacco and ESDs weren't so easy to buy, and they weren't so normalized among the youth, a lot of my peers, teenagers and kids around the world would not have their time stolen by this addiction.

Thank you State Senate Finance Committee for hearing this testimony. Your consideration of these matters and solutions is very much appreciated.

SB1056 SCW Signed.pdf

Uploaded by: Stacey Wilson

Position: FAV



Baltimore-Washington Conference

The United Methodist Church

REV. DR. STACEY COLE WILSON
EXECUTIVE MINISTER OF BELOVED COMMUNITY
SCOLEWILSON@BWCUMC.ORG
WWW.BWCUMC.ORG
TEL. 240-222-6895 | 800-492-2525

The Honorable Pam Beidle
Senate Finance Committee, Chair
Miller Senate Office Building, 3 East Wing
11 Bladen St.
Annapolis, MD 21401

Wednesday, March 6, 2024

RE: SB 1056 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024), POSITION: FAVORABLE

Dear Chair Beidle,

Grace and peace to you. I hope you're well. I am writing to you as the Executive Minister of Beloved Community for the Baltimore-Washington Conference of The United Methodist Church and as a concerned resident of Maryland, to express my support for SB 1056, the Tobacco Retail Modernization Act of 2024. The United Methodist Church and its predecessor denominations have a long history of witness against the use and marketing of tobacco products. There is overwhelming evidence linking cigarette smoking with lung cancer, cardiovascular diseases, emphysema, chronic bronchitis, and related illnesses.

As a parent and faith leader, I support this bill because have personally witnessed the devastating impacts of tobacco products including e-cigarettes on school-aged children. I have counseled families with children addicted to vaping by the ages of 12 and 14 and those of various ages who are struggling to get their lives back on track. Students have mentioned use of odorless cigarettes in school restrooms and easy access to these products.

Despite progress in tobacco control, the problem of youth access to tobacco products, including e-cigarettes, remains significant. Data indicates that over 48,000 Maryland high school students *self-report* they use tobacco products, a number that likely falls short of the true total. The

11711 EAST MARKET PLACE, FULTON, MD 20759-2594

TRANSFORMED LIVES TRANSFORM LIVES



Baltimore-Washington Conference

The United Methodist Church

REV. DR. STACEY COLE WILSON

EXECUTIVE MINISTER OF BELOVED COMMUNITY

SCOLEWILSON@BWCUMC.ORG

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TEL. 240-222-6895 | 800-492-2525

marketing strategies and new products like flavored e-cigarettes target and hook kids, Big Tobacco's next generation of customers.

The impact of youth tobacco use is both a public health and economic burden. It is a health crisis. Maryland incurs annual healthcare costs of approximately \$3.14 billion directly related to smoking, and 27.5% cancer-related Maryland deaths can be traced to tobacco use. We must act now to mitigate its influence on the health of our children and our communities at large.

SB 1056 proposes to impose stricter penalties on illegal sales to minors, including increased fines and potential license suspension for violators, restrict access to vapes to licensed dealers, and mandates a study on youth access to tobacco products. It also increases the cost of the tobacco retail license to help fund enforcement activities by our state and county agencies that help protect our communities from bad actors. These steps are crucial for developing effective healthcare and public health strategies to protect Maryland's youth and to ensure that retailers are held accountable to state and federal law.

I urge you to vote in favor of SB 1056, the Tobacco Retail Modernization Act of 2024. Thank you for your consideration and for taking a stand on behalf of our youth.

Sincerely,

Rev. Dr. Stacey Cole Wilson
BWCUMC

TFK Testimony for Senate Finance Committee - Googl

Uploaded by: Suzanne Cleary

Position: FAV

The Honorable Pam Beidle
Senate Finance Committee, Chair
Miller Senate Office Building, 3 East Wing
11 Bladen St.
Annapolis, MD 21401

March 6, 2024

RE: SB 1056 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices -
Revisions (Tobacco Retail Modernization Act of 2024)

POSITION: FAVORABLE

Dear Chair Beidle,

I am writing to you as a parent, living in Riva, to express my support for SB 1056, the Tobacco Retail Modernization Act of 2024. I support this bill because as a parent of teens, I see how readily available vapes and nicotine/tobacco products are to minors. My kids avoid using the restrooms at school (Central Middle School and South River High School) because of the prevalent use of vape products in the restrooms.

Despite progress in tobacco control, the problem of youth access to tobacco products, including e-cigarettes, remains significant. Data indicates that over 48,000 Maryland high school students **self-report** they use tobacco products, a number that likely falls short of the true total. With lower odor than cigarettes and higher concentration of nicotine, vape products are easier for teens to conceal, while also being highly addictive. The marketing strategies and new products like flavored e-cigarettes target and hook kids, Big Tobacco's next generation of customers. What adult is using Peach Breeze vape to quit smoking. The Tobacco industry's claims that vapes help adults quit is a guise to allow them to get the next generation of customers addicted before leaving middle and high school.

The impact of youth tobacco use is both a public health and economic burden. Maryland incurs annual healthcare costs of approximately \$3.14 billion directly related to smoking, and 27.5% cancer-related Maryland deaths can be traced to tobacco use. We must act now to mitigate its influence on the health of our children and our communities at large.

SB 1056 proposes to impose stricter penalties on illegal sales to minors, including increased fines and potential license suspension for violators, restrict access to vapes to licensed dealers, and mandates a study on youth access to tobacco products. It also increases the cost of the tobacco retail license to help fund enforcement activities by our state and county agencies that help protect our communities from bad actors. These steps are crucial for developing effective healthcare and public health strategies to protect Maryland's youth and to ensure that retailers are held accountable to state and federal law.

I urge you to vote in favor of SB 1056, the Tobacco Retail Modernization Act of 2024.

Thank you for your consideration and for taking a stand on behalf of our youth,

Sincerely,

A handwritten signature in black ink, appearing to read 'Suzanne Cleary', written in a cursive style.

Suzanne Cleary

MVA SB1056 Support.pdf

Uploaded by: Tyler Bennett

Position: FAV

Support for SB1056

Maryland Vapor Alliance

The Maryland Vapor Alliance represents small business vape shops throughout the State of Maryland. We would like to express our support for SB1056.

We believe that SB1056 is an unequivocal step forward in tobacco and vape product regulation. Reports have consistently shown that small business vape shops have a clean track record in terms of underage compliance checks. This legislation will help to ensure that vape products remain in the hands of responsible retailers, thus ensuring the safety of consumers.

Additionally, we are in full support of an increase in mandated compliance checks and more robust enforcement. Maryland made tremendous progress by increasing the legal age to buy tobacco products to 21. The latest National Youth Tobacco Survey released by the CDC in November of 2023, showed a roughly 25% decrease in overall tobacco product use in 2022-2023, driven largely by a roughly 28% decrease in current e-cigarette use. We believe that this legislation will continue Maryland on that trend. Small business vape shops have played an instrumental role in Maryland's success in ranking near the lowest smoking rate in the United States. We believe that this legislation will help kickstart Maryland towards having THE lowest smoking rate in the country. We are confident that this bill will help to protect small business vape shops and promote a healthier Maryland.

In addition, we support increasing the vape shop vendor license fee to \$300. The bill as drafted left it at the current \$25 fee and we believe that parity with the other licensing fees is fair in order to help alleviate the costs of an increase in compliance enforcement.

Thank you for your time and consideration on this matter. We appreciate your dedication to the safety and well-being of Maryland's citizens.

Contact:

Tyler Bennett, Compass Advocacy

tbennett@compassadvocacy.com

Candice Gott, Maryland Vapor Alliance

candicedeane@hotmail.com

SB 1056 - FIN - PHPA - SWA - revised.docx.pdf

Uploaded by: Jason Caplan

Position: FWA



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,¹ 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.^{2,3,4,5}

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

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>>.

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 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.⁸ Professional organizations, pharmacists, pharmacy chains, and the public overwhelmingly support policies like SB 1056.⁹

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.

Sincerely,



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

Secretary

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

SB1056_MDH_Letter on Updated Fiscal Impacts

Uploaded by: Jason Caplan

Position: FWA



DEPARTMENT OF HEALTH

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

March 8, 2024

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

The Honorable Benjamin F. Kramer
401 Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

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

Dear Chair Beidle and Senator Kramer,

The Maryland Department of Health (Department) respectfully submits this letter regarding the estimated fiscal impact that Senate Bill (SB) 1056 – Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024) would have on the Department as amended.

The Department has appreciated working with Senator Kramer on this bill. With the amendments put forward by Senator Kramer yesterday in the final reprint, the Department estimates that this bill would be fiscally neutral. With Senator Kramer's amendments, SB 1056 would allow the Department to work through designees versus establishing a new program in house, while also generating revenue to conduct enforcement activities for the Department and Montgomery County by increasing retailer licensing fees, from \$25 to \$300. As amended, SB 1056 distributes \$25 to the Executive Director of the ATCC, and \$275 to the Department or, for retailers in Montgomery County, to Montgomery County. An existing carve out in statute allows Montgomery County to conduct their own inspections of the approximately 675 tobacco retailers within the County. With approximately 6,500 tobacco retailers in Maryland, including 675 retailers in Montgomery County, increases in licensing fees could generate up to \$1,601,875 in revenue for the Department and \$185,625 for Montgomery County to offset the costs of conducting retailer inspections through designees, including local health departments.

The revenue from the licensing fees to the Department would also offset the other costs of SB 1056. Specifically, the Department will have to hire an additional staff person to assist with coordinating funding of and reporting from local health departments; notify and distribute

updated materials to retailers, local health departments, and other partners regarding the new provisions of the bill; and conduct a one-time study of tobacco enforcement efforts with ATCC. We estimate the total costs of these expenditures to be less than the revenue generated from the fees.

If you have any questions, please contact Sarah Case-Herron, Director of Government Affairs, at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "LH Scott", is positioned above the typed name.

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

MDDCSAM SB 1056 tob modernization w amendments.pdf

Uploaded by: Joseph Adams, MD

Position: FWA



MDDCSAM is the Maryland state chapter of the American Society of Addiction Medicine whose members are physicians and other health providers who treat people with substance use disorders.

**SB 1056 Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions
(Tobacco Retail Modernization Act of 2024)**

SUPPORT WITH AMENDMENTS Finance Committee March 7, 2024

Dear Chair Beidle and members of the committee,

MDDCSAM strongly supports the enhanced tobacco product placement and age verification provisions, the additional licensure requirement for the manufacture, distribution or sale of electronic smoking devices, and the prohibition of pharmacy sales of tobacco products and electronic smoking devices. Each of these provisions will reduce tobacco use and use disorder among youth and adults. Tobacco and e-smoking device are inherently dangerous products **to which most customers become addicted. *Most long-term tobacco product users wish they could quit.***

Tobacco use is **one of the leading causes of preventable death and disease in the U.S.**

We strongly support an amendment to remove the age exemption for active-duty military which conflicts with federal law. In 2019, federal legislation eliminated the military exemption to the prohibition of tobacco sales and related products to people under age 21. This bill will bring Maryland in alignment with federal law, and will save lives.

According to a Philip Morris internal document dated January 21, 1986, "Raising the legal minimum age for cigarette purchaser to 21 could gut our key young adult market (age 17-20) ..."

<https://www.tobaccofreekids.org/what-we-do/us/sale-age-21>

Young people serving in the military deserve to have their health preserved as much as others in their age group. Historically, smoking rates have been particularly high among those serving in the military. Veterans Administration hospitals have been known for a high proportion of patients with tobacco-caused diseases such as chronic lung disease, heart disease, cancer in various organs, stroke, peripheral vascular disease, amputations, and other manifestations of tobacco addiction.

We also support an amendment to allow local health departments to assist in enforcing youth access provisions such as product placement and age verification, and other provisions of the law.

We are pleased to support, with amendments, this important legislation which will improve the lives of youth and adults for decades to come.

Respectfully,

Joseph A. Adams, MD, FASAM, board certified in internal medicine and addiction medicine

SB 1056 - Tob Retail Modt. Act - SEN FIN- 3-7-24 -

Uploaded by: Larry Polsky

Position: FWA



**2024 SESSION
POSITION PAPER**

BILL: SB 1056 – Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Revisions (Tobacco Retail Modernization Act of 2024)

COMMITTEE: Senate Finance Committee

POSITION: Letter of Support With Amendments

Bill ANALYSIS: SB 1056 would prohibit licensees that sell cigarettes, other tobacco products, or electronic smoking devices at retail from displaying those items for sale unless located behind a counter, require verification of a date of birth for certain individuals before sale, and make other changes to current law.

POSITION RATIONALE: The Maryland Association of County Health Officers (MACHO) supports SB 1056 with amendments. This bill recognizes the current challenges of enforcing existing tobacco/vaping regulations and the persistently high use of these products by teens. Public health officials agree with the value of more effective enforcement to reduce underage sales of vape and traditional tobacco products.

Historically, local health departments (LHDs) have been charged with inspections of tobacco and vape retailers to enforce laws prohibiting sales to underage customers. In the wake of the 2008-09 recession, the Maryland Department of Health (MDH) abruptly stopped grants to LHDs from the Cigarette Restitution Fund that paid for enforcement efforts. As a direct result, within one year, more than 20% of retailers were violating Maryland law by selling vape and tobacco products to underage purchasers. This high rate of underage sales continued over multiple years and triggered a federal regulation that threatened \$40 million in substance abuse grants to Maryland. It was only this threat to losing tens of millions of dollars that prompted the restoration of state funding to LHDs for compliance checks.

The proposed increase in tobacco and vape retail licenses under SB 1056 is intended to improve the effectiveness of compliance checks and drive down underage use of nicotine products. Maryland’s health officers favor amending SB 1056 to assure the revenue goes to the agencies responsible for enforcement, namely LHDs. We have seen first-hand the consequences of leaving funding to the discretion of a state agency, namely a complete disruption of enforcement resources with a resulting spike in underage vape and tobacco sales and violations of federal requirements. Dependable funding for local programs will increase capacity in larger jurisdictions and allow creative regional enforcement partnerships in more rural areas. Rural partnerships can produce dedicated staffing to not only meet, but to exceed the requirements in SB 1056. Dedicated staffing can also work with local school systems to take a more holistic approach to education and enforcement.

To better fund the staffing needs required for additional inspections, MACHO recommends:

Deletion of the text on Page 4, Lines 5-7 and replacing it with the following:

(ii) \$275 TO THE MARYLAND DEPARTMENT OF HEALTH. \$35 OF WHICH WILL BE RETAINED BY THE DEPARTMENT TO FULFILL THEIR OBLIGATIONS UNDER THIS STATUTE. THE REMAINING \$240 SHALL BE DISTRIBUTED TO JURISDICTIONS PROPORTIONAL TO THE NUMBER OF TOBACCO AND ELECTRONIC SMOKING DEVICE RETAIL LICENSEES IN EACH JURISDICTION AS FOLLOWS:

1. IN MONTGOMERY COUNTY, THE COUNTY WILL RECEIVE FUNDS TO BE USED TO ENFORCE EXISTING LAWS BANNING THE SALE OR DISTRIBUTION OF TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES TO INDIVIDUALS UNDER THE AGE OF 21

2. IN ALL OTHER JURISDICTIONS, LOCAL HEALTH DEPARTMENTS WILL RECEIVE FUNDS TO BE USED TO ENFORCE EXISTING LAWS BANNING THE SALE OR DISTRIBUTION OF TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES TO INDIVIDUALS UNDER THE AGE OF 21

The portion of the license fee retained by MDH is based on their own estimate of the annual costs of non-enforcement elements of SB 1056. The proposed allocation removes the fiscal impact both on MDH and on LHDs. It shields local programs from the inevitable general economic declines and will allow for meaningful improvements in enforcement and more expansive approaches to reducing vaping and traditional tobacco use among teens.

For these reasons, the Maryland Association of County Health Officers submits this letter of support with amendments for SB 1056. For more information or for a Health Officer representative for future subcommittee discussions, please contact Ruth Maiorana, MACHO Executive Director at rmaiora1@jhu.edu or 410-937-1433. *This communication reflects the position of MACHO.*

SB1056-FIN_MACo_SWA.pdf

Uploaded by: Sarah Sample

Position: FWA



MARYLAND
Association of
COUNTIES

Senate Bill 1056

*Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Revisions
(Tobacco Retail Modernization Act of 2024)*

MACo Position: **SUPPORT**

To: Finance Committee

WITH AMENDMENTS

Date: March 7, 2024

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS** SB 1056 **WITH AMENDMENTS**. This bill is focused on combatting the adverse health effects of tobacco and other related products in communities. Specific to counties, it increases the licensing fee to sell these products and the number of inspections that must be done annually to ensure compliance with standards for providing these products in a retail setting.

Counties have hundreds of locations selling these products in their jurisdictions, while concurrently undertaking substantial efforts, both financial and operational, to remediate the negative effects these products have on the health of residents, particularly children. Law enforcement agencies, schools, and local health departments bear the brunt of this task, and their efforts are limited by the necessary funding to provide services. These programs include prevention education, smoking cessation resources, classes, social and traditional media campaigns, and the like. Counties appreciate the funding that would be allocated to local governments to aid in these remediation initiatives, but would recommend a larger portion of the new fine allocated to local governments who are doing this work.

The bill as written sends \$100 of the \$300 license fee to county governments, which is a portion that lacks an appreciation for the financial burden counties incur purely as a result of the licensing. Counties would increase the share of that fee sent to the local governments to supplement their existing remediation efforts. Additionally, counties believe the Alcohol, Tobacco, and Cannabis Commission should be tasked with the full responsibility of performing inspections, rather than delegating these duties to county governments.

SB 1056 takes a number of important steps to fight dependence on tobacco and electronic cigarettes for community members suffering the consequences of these products. Counties appreciate that, and the recognition of our efforts, and believe these amendments will help local governments achieve the full intent of the bill. For these reasons, counties urge a **FAVORABLE WITH AMENDMENTS** report on SB 1056.

FAV w AMEND - SB1056 - Scott Webber - Written Test

Uploaded by: Scott Webber

Position: FWA

VAPING AWARENESS PUBLIC EDUCATION SOCIETY

SPEARHEADING THE FIGHT TO BREAK CIGARETTE ADDICTION



WWW.VAPESOCIETY.ORG

Scott Webber
Scott@VAPESociety.org

Written Testimony Regarding **SENATE BILL 1056**

FAVORABLE WITH AMENDMENTS

Esteemed members of the Finance Committee, and online guests...

My name is Scott Webber and I am the founder of the Vaping Awareness Public Education Society, a non-profit public health research organization dedicated to reducing cigarette smoking and the resultant cost in both dollars and lives.

I come before you today advocating for a FAVORABLE Report, but only upon the adoption of certain improving AMENDMENTS.

Issues NOT Specific To SB1056 [Obligatory Annual Reminder]

Again... 'vaping devices' are NOT 'Smoking Devices' because there is NO SMOKE! As is almost universally known, 'smoke' is the produce of combustion. Vaping devices do not produce combustion. Vaping devices do not produce smoke. Defining a 'vaping device' an 'Electronic Smoking Device' is as logical, and accurate as calling a Tesla a 'Gasoline Powered Electronic Vehicle'. Defining vaping 'clouds' as 'smoke', when there is NO SMOKE, is just pure false. Such mis-defining is the product of either extreme lack of knowledge [Teslas are NOT powered by gasoline] or deliberate deceit because the definer has a specific reason for wanting to define the Tesla as a 'gasoline powered' device, in complete defiance of observable and obvious 'truth' to the contrary. Neither is acceptable.

The Maryland legislature should strive to be both truthful and accurate in the formation of the laws of the land. Definitions should conform to the meanings and understandings of populace upon which they apply. If it is not 'tobacco', it should not be called 'tobacco'. If it is not 'smoke', it should not be called 'smoke'. Deliberately, or intentionally defining, or even inferring the meaning, of anything that is known to be demonstrably false, is simply bad public policy, bad governance, and bad law.

Issues Specific To SB1056 – Concurrence with the Intent of the Bill

SB1056 rightfully concentrates vaping sales in VAPE SHOPS!! This is where vapers should be purchasing their vaping equipment and supplies. Vape Shops function as extraordinarily effective harm reduction and smoking cessation support centers. They are staffed almost exclusively by personnel who understand the smoking addiction, and are ideally situated – and qualified - to assist smokers in the transition away from smoking.

SB1056 removes harmful, deadly, unhealthy tobacco products from pharmacies, which are intended to be destinations for finding health-related products.

Issues Specific To SB1056 – Amendments to Text in the Bill

SB1056 should not have a carve-out for 18-20 year olds, regardless of military status.

AMENDMENT: Remove the under 21 exemption. [P.3:L14, et seq]

SB1056 should be strengthened to require any vaping, tobacco, or other tobacco products to completely out of sight of any individual under the age of 21. Display of any such products should be relegated exclusively to rooms restricted to persons verified to be over the age of 21.

AMENDMENT: Modify all sections referring to ‘behind a counter’, and replace such language with requirements that the display of any vaping or tobacco-related product shall be restricted to areas not physically or visually accessible to persons under the age of 21.

SB1056 should not restrict the verification of a person’s age to face-to-face exchanges. Electronic devices such as ID Scanners are valuable tools to detect fraudulent identification.

AMENDMENT: Remove all restrictions involving the age-verification assistance of electronic or mechanical devices.

SB1056 should not restrict the purchasing or ordering of vaping devices or supplies via mail, or various electronic networks. As a matter of issue, 100% of all credit card transactions are transacted over various electronic networks. Instead, the language should simply be modified to require the PICK UP of any such orders to be done by an age-verified individual in the Vape Shop.

AMENDMENT: Retain the purchase or order ability under the current law, but ADD a section that requires the pickup of the product from a Licensed Vape Shop, and only after proper age verification.

SB1056 defines “Vape Shop Vendor” too restrictively in its demand for ‘exclusivity’. There are many Vape Shops that also sell magazines, snacks, water, etc. These products should not be disallowed, but rather, the spaces in which they are sold should be held to all other requirements of a ‘Vape Shop’; eg: holding a ‘Vape Shop Vendor’ license; the area is physically or visually inaccessible to persons under the age of 21, etc.

AMENDMENT: Remove all requirements of ‘exclusivity’, and replace it with requirements that any non-vaping products sold within any space designated as a ‘Vape Shop’ must adhere to all ‘Vape Shop’ restrictions and regulations.

Review Of Vaping Basics:

It is a simple truth that smoking remains that #1 cause of preventable death; Worldwide, Nationally, and Statewide. Every year, almost a half a million people die in the US from smoking and smoking-related illness. In Maryland, that number is about 7500 deaths annually, or close to 75,000 this past decade.

To put this into perspective, this is 5 times more than ALL COVID deaths, and 3 times the number of annual deaths from opioids.

The number of deaths from vaping? The truth is not one single person – Statewide, Nationwide, or Worldwide has died from regular vaping – EVER.

It is also true that vaping is the most effective technology ever developed to get smokers to reduce or quit smoking. This claim is supported by the incontrovertible empirical evidence that there are 15-20 million vapers that are vaping more... and smoking less, and no other product or technology can claim that success.

It is also an undeniable truth that with the increase in vaping, there has been a dramatic DECREASE in smoking, for both adults, AND youth, resulting in the lowest rates of underage smoking in history.

Smart legislation would incentivize the successfully migration of 100% of smokers to vaping, and save thousands of lives, and tens of millions of Maryland taxpayer dollars.

Vaping is NOT the problem, and any legislation that dissuades smokers from migrating to a safer, healthier, less harmful alternative, becomes part of the problem. Any legislation that encourages and successfully converts a smokers into vapers, is good public policy.

The VAPESociety strongly requests that the Committee issue an **FAVORABLE** report on SB1056 if it incorporates the above AMENDMENTS, seen as assisting the favorable migration from deadly, combustible cigarettes.

Most Sincerely,

~Scott Webber

Attachments: A review of vaping-related literature from 2021.



WWW.VAPESOCIETY.ORG

LITERATURE REVIEW

February 15, 2021

The Impact Of Vaping On Combustible Cigarette Smoking Cessation

The following literature review is a random assortment of scientific and medical articles and position papers pertaining to the use of the disruptive technology called ‘Vaping’ used by tens of millions of people worldwide to reduce or eliminate cigarette smoking. The articles come from a broad spectrum of sources including the New England Journal of Medicine, the Journal of the American Medical Association, British Medical Journal, BMC Medicine, the International Journal of Environmental Research & Public Health, the Journal of Nicotine & Tobacco Research, Addiction, the National Academies, and others. The research goes back to early in the last decade, up to current. Policy papers are included from the right-wing leaning and libertarian Heartland Institute, and the left-wing leaning Progressive Policy Institute – with both sides of the political spectrum strongly supporting the principles of ‘Harm Reduction’ to achieve the greatest economic, and public health benefits, with vaping at the center of the discussion due to its unparalleled success and clear benefits.

Ironically, while vaping has proven to be the single most effective means to get smokers to completely quit or greatly reduce their cigarette consumption, the vaping industry is forbidden - by law - to claim, or mention, or even suggest, that vaping can be an effective ‘cessation’ solution. Accordingly, you will find very little industry documentation. Nonetheless, the evidence, the data, the facts, the science, and the scientists back up the incontrovertible fact that vaping has worked as a cessation solution in the most important arena of empirical evidence: the literally tens of millions of vapers who have ceased using combustible cigarettes.

The following list contains informal references with live links to article copies with their respective copyrights, listed authors, and additional formal references and links. The compilation represents many hundreds of pages of mostly highly scientific writings, worthy of reading if one really cares about truth, and knowledge, and understanding. However, selective quotes have been pulled from the articles to give the reader a quick gist, as well as a short VAPESociety ‘VAPEStake’ about the writing.

Title: 1. Tobacco Smokers Could Gain 86 Million Years of Life if they Switch to Vaping

Source: Georgetown University Medical Center

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9i0yfrkt0Yu3yxZ1I?e=8BQqyZ>

Quoted: *“In all, cigarette smokers who switch to e-cigarettes could live 86.7 million more years [over a 10-year period] with policies that encourage cigarette smokers to switch completely to e-cigarettes. In addition, there would be tremendous health benefits including reduced disease disability to smokers, reduced pain and suffering, and reduced exposure to second hand smoke.”*

“Even the gloomiest analysis shows a significant gain in years of life if nicotine is obtained from vaping instead of much more deadly amount of toxicants inhaled with cigarette smoke.”

VAPEStake: Vaping is not entirely ‘safe’, but it is many magnitudes ‘SAFER’ than smoking. Smoking is seriously estimated to be at least 2000% more harmful. Smoking kills nearly a half million Americans EVERY year, while legal nicotine vaping has not resulted in a single death¹ – worldwide – since it was invented and made commercially available in 2006.

¹ No directly associated deaths. Does not take into account indirect events such as auto accidents, or the EVALI deaths caused by illegal THC street drugs inappropriately used in counterfeit cartridges, and falsely attributed to ‘vaping’.

Title: 2. E-cigarettes are estimated to have helped 16,000-22,000 smokers in England to quit

Source: Medical XPress

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9iyThrouVMiDunVp8?e=ygO2gG>

Quoted: *“Previous research has found that when used in this way, e-cigarettes increase the chances of success by around 50% compared with using no support or one of the traditional nicotine products such as gum or skin patch.”*

“E-cigarettes appear to be helping a significant number of smokers to stop who would not have done otherwise - not as many as some e-cigarette enthusiasts claim, but a substantial number nonetheless.”

VAPESTake: This is a 2016 study looking at 2014 data, so the raw numbers are significantly higher now, but the fundamental understanding that vaping has helped a staggering number of people to reduce or quit smoking entirely remains true. The effectiveness of vaping has been observed for a very long time, and the body of evidence is only growing.

Title: 3. Electronic Cigarettes Have a Potential for Huge Public Health Benefit

Source: BMC Medicine

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9izkepp1iN0hefyK0?e=1Gpb5G>

Quoted: *“There is now a sufficient body of evidence available on several aspects and effects of [Electronic Cigarettes] for recent reviews to conclude that health care professionals and public health bodies should encourage smokers who cannot stop smoking using available treatments, or do not want to do so, to switch to [Electronic Cigarettes]”*

“[Electronic Cigarettes] have a potential to generate substantial public health benefits and that discouraging smokers from using them and regulating [Electronic Cigarettes] as severely as cigarettes, or even more severely, is detrimental to public health.”

“Nicotine use, of course, can have negative consequences even if it does not affect physical health. A proportion of users become dependent. However, compared with disease and death caused by combustible non-nicotine chemicals in tobacco smoke, this is a minor consideration. Worries about nicotine use stripped of the health risks of smoking are on par with worries about drinking coffee.”

VAPESTake: This is a powerful article looking at not only the science of vaping, but equally – if not more importantly - the public policy and political elements of the debate, pointing out that the resistance to vaping is clearly centered on ideological and moralistic elements, and not on individual or public health considerations, which overwhelmingly support vaping.

Title: 4. Daily E-Cigarette Users Had Highest Rates of Quitting Smoking

Source: Columbia University Mailman School of Public Health

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9i0N0cMk1uw1w8Loo?e=zb1hbe>

Quoted: *“Among U.S. adults who were established smokers in the past five years, those who use e-cigarettes daily were significantly more likely to have quit cigarettes compared to those who have never tried e-cigarettes.”*

VAPESTake: Vapers were almost twice as successful as non-vapers in their efforts to quit smoking. The superior success of vaping as the cessation solution of choice is consistent across numerous studies, as is the success of vapers to not relapse *IF* they keep vaping. This puts nicotine vaping more in line with other medical treatments – diabetes, cholesterol, blood pressure, etc – that have proven successful in adding many high-quality years to a person’s life.

Title: 5. Tobacco Harm Reduction 101

Source: Heartland Institute

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9i0bErCLHN-CP7uFa?e=vy14kS>

Quoted: *Research overwhelmingly shows the smoke created by the burning of tobacco, rather than the nicotine, produces the harmful chemicals found in combustible cigarettes.*

“There is no significant scientific evidence connecting major health problems with the use of nicotine alone. However, because nicotine enters the body along with many harmful chemicals while smoking combustible cigarettes, many erroneously believe that it is the nicotine in cigarettes that causes hazardous health conditions such as cancer.”

“Because e-cigarettes and vaping devices do not contain many of the harmful ingredients included in tobacco products, their widespread use as a replacement for tobacco would provide substantial public health benefits and reduce state and federal health care spending.” [\$48 billion in 2012]

“The Yale [University Study] also found the greater the access to e-cigarettes, the greater the drop in the state’s smoking rate.”

VAPESTake: A ‘should read’, balanced, and more comprehensive analysis of THR [Tobacco Harm Reduction] and several of its various elements: concept; science; statistics; economics; policy. Assembled explicitly for ‘Policymakers’ with a focus on the public policy benefits of vaping, the publication frames many of the arguments and directly addresses many common vaping ‘myths’.

Title: 6. The Impact of Electronic Cigarettes on Cigarette Smoking

Source: Progressive Policy Institute

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9i1IWQxBWRh79BsU5?e=nA1HFo>

Quoted: *“Most of the empirical evidence appears to support the view that e-cigarette use reduces the incidence of regular cigarette smoking.”*

“Statistical analysis of the changes in smoking rates and e-cigarette use by age, gender, race and ethnicity suggests that about 70 percent of the increased decline in cigarette smoking from 2013 to 2017 was associated with the rising use of e-cigarettes.”

“Among adolescents, the association between declining smoking rates and rising e-cigarette use was even stronger than among adults.”

“Statistical analysis and numerous studies establish that e-cigarettes are an effective tool to help people stop smoking or avoid starting to smoke cigarettes.”

“Across both age cohorts, the net health-associated lifetime gains from starting to use e-cigarettes in 2017 instead of smoking cigarettes exceed \$2.5 trillion.”

“Over the ten years from 2017 to 2027, therefore, we estimate that the use of e-cigarettes from 2017 to 2027 by these 3,844,841 people who otherwise would have been cigarette smokers will increase their collective productivity by \$43.96 billion.”

VAPESTake: As with the Heartland Institute publication, this Progressive Policy Institute publication is targeted toward policymakers, looking at not only public health implications, but public economics as well. An interesting twist to their analysis is that the health care costs actually increase for vapers... because they live so much longer! However, their productivity and quality of life over these extended years more than makes up for this cost.

Title: 7. Public Health Consequences of E-Cigarettes

Source: National Academies

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9iyPEwQg4NCTWMkOI?e=7QhfwP>

Quoted: *Although e-cigarettes are not without risk, compared to combustible tobacco cigarettes they contain fewer toxicants; can deliver nicotine in a similar manner; show significantly less biological activity in most, but not all, in vitro, animal, and human systems; and might be useful as a cessation aid in smokers who use e-cigarettes exclusively.*

VAPESTake: The full version of this document is 750 pages long. Nonetheless, as a ‘review of the literature’, it reveals major flaws in the existing literature. One notable example is the ‘substantial evidence’ finding that e-cigarette use increases the use of combustible cigarettes, which is in direct conflict with just about every study out [see immediately preceding] that reveals vaping use to have skyrocketed, especially among youth, but also finds combustible tobacco use continuing to decline; a statistical impossibility.

Title: 8. Electronic Cigarette Use and Cigarette Abstinence Over 2 Years

Source: Nicotine & Tobacco Research - Oxford Academic

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9i03uyRcgw5ShEAMR?e=nMwL2G>

Quoted: *“In this nationally representative longitudinal cohort study of US adult cigarette smokers, daily e-cigarette use, compared to no e-cigarette use, was associated with a 77% increased odds of prolonged cigarette smoking abstinence over the subsequent 2 years. Regular use of e-cigarettes may help some smokers to stop smoking combustible cigarettes.*

VAPESTake: Unlike many other studies that study much shorter periods, this one followed smokers for a full 2 years, finding that vaping not only helped them break the cigarette habit, but continued daily vaping kept them from going back to cigarettes.

Title: 9. Adults Who Vape Are More Likely To Quit Cigarettes

Source: CNN

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9iz5jyMW6LTc8eYrq?e=tYz3ks>

Quoted: *The study, published in the medical journal JAMA Internal Medicine, tracked more than 5,000 daily smokers for an average of two years in France. It found that smokers who vaped used fewer cigarettes per day and were more than one and a half times as likely to quit completely.*

VAPESTake: This long-term study found a higher incidence of relapse with former smokers using electronic cigarettes than those who did not, but noticed lower relapse rates with newer more modern vaping equipment, as opposed to earlier generation equipment.

Title: 10. Electronic Cigarette Use and Cigarette Abstinence Over 2 Years

Source: Nicotine & Tobacco Research

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9i1twCyOwmCgCx5ci?e=NjVsXc>

Quoted: *“In this nationally representative longitudinal cohort study of US adult cigarette smokers, daily e-cigarette use, compared to no e-cigarette use, was associated with a 77% increased odds of prolonged cigarette smoking abstinence over the subsequent 2 years. Regular use of e-cigarettes may help some smokers to stop smoking combustible cigarettes.”*

“Although e-cigarettes expose users to nicotine, they do not burn tobacco. Consequently, they expose users to fewer and lower levels of the many other chemicals found in tobacco smoke. It is these combustion products, rather than nicotine, that are the primary source of smoking-related morbidity and mortality. National evidence reviews from England and the United States have concluded that although e-cigarette use is not harmless, cigarette smokers who switch to e-cigarettes will likely reduce their smoking-attributable health risks.”

“E-cigarettes therefore have the potential for substantial public health benefit if cigarette smokers, especially those who are unwilling or unable to quit using current treatments, switch to e-cigarettes and stop smoking combustible cigarettes.”

VAPESTake: This high-quality, multi-year Wave 3 PATH analysis from Mass General & Harvard Medical School, found a clear and unambiguous association between frequent [daily] vaping, and users successfully abstaining from cigarettes.

Title: 11. Adult Smoking Cessation – The Use of E-Cigarettes

Source: U.S. Surgeon General

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9izy9RGIPFSZob6a3?e=8VwTgk>

Quoted: “Research is uncertain on whether e-cigarettes, in general, increase smoking cessation.”

“Some research suggests that using e-cigarettes containing nicotine is associated with greater smoking cessation than using e-cigarettes that don’t contain nicotine, and more frequent use of e-cigarettes is associated with greater smoking cessation than less frequent use.”

“The FDA has not approved e-cigarettes as a quit smoking aid, and more research is needed on whether e-cigarettes are effective for quitting smoking and to better understand the health effects of e-cigarettes.”

VAPESTake: An interesting, yet consistent double-standard position from the U.S. Government. Despite hundreds of studies indicating a clear association between vaping and successful smoking abstinence, [cessation] even using verified government data [ie: multi-wave PATH data analyzed in the Mass Gen/Harvard study above], and the undeniable empirical evidence of tens of millions of vapers who have either quit completely, or have significantly reduced their cigarette consumption, [the acknowledged ‘explosion’ of vaping], Government reports such as this one from the Surgeon General repeat the need for ‘more research’, and focus on the ‘uncertainty’ of vaping as a cessation tool, while the FDA and other bodies are actively trying to severely limit vaping options and availability, reducing or completely eliminating the opportunity to conduct the very ‘research’ they say is needed. At the same time, while cautioning against the use of vaping - that has not been linked to a single death worldwide since being introduced more than 14 year ago² – because it is not yet approved by the FDA, they continue to actively promote the use of dangerous drugs such as Chantix – that has been ‘approved’ by the FDA – even while being linked to thousands of suicides and hundreds of deaths. Ironically, risk and harm to the public health is not a criteria for approval...

Title: 12. Relationship of E-Cigarette Use to Cigarette Quit Attempts and Cessation

Source: Journal of Nicotine & Tobacco Research

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9izCT52kEwJdnNO-x?e=osB42W>

Quoted: *“Previous studies have obtained mixed results regarding the relationship of e-cigarette use to cigarette smoking cessation. This study provides a more precise methodology for considering the relationship of e-cigarette use to quit attempts and to quit success, and finds that quit attempts and quit success increase with the number of days use in the past month.”*

VAPESTake: Yet another study demonstrating that consistent vaping is among the most reliable indicators of smoking quit success.

² No directly associated deaths. Does not take into account indirect events such as auto accidents, or the EVALI deaths caused by illegal THC street drugs inappropriately used in counterfeit cartridges, and falsely attributed to ‘vaping’.

Title: 13. Association of prevalence of electronic cigarette use with smoking cessation
Source: Journal of Addiction
URL: <https://1drv.ms/b/s!AtF91jqW2Ne9izVw6zvtgEEm9Tq?e=NpOfKm>
Quoted: *“The increase in prevalence of e-cigarette use by smokers in England has been positively associated with an increase in success rates of quit attempts and overall quit rates”*
VAPESTake: Yet another study demonstrating that consistent vaping is among the most reliable indicators of smoking quit success.

Title: 14. A Randomized Trial of E-Cigarettes versus Nicotine-Replacement Therapy
Source: New England Journal Of Medicine
URL: <https://1drv.ms/b/s!AtF91jqW2Ne9iynmtD2XC--PPh1s?e=zLrAAb>
Quoted: *E-cigarettes were more effective for smoking cessation than nicotine-replacement therapy, when both products were accompanied by behavioral support.*
VAPESTake: Consistent with so many other similar studies, the e-cigarette group sustained 1-year cigarette abstinence at a rate almost twice the success of other NRTs [Nicotine Replacement Therapies] 18.0% v 9.9%.

Title: 15. Characteristics, Perceived Side Effects and Benefits of Electronic Cigarette Use
Source: International Journal of Environmental Research and Public Health
URL: <https://1drv.ms/b/s!AtF91jqW2Ne9i2DukxCCrWzLs7u8?e=CyDXQr>
Quoted: *“The results of this worldwide survey of dedicated users indicate that ECs are mostly used to avoid the harm associated with smoking. They can be effective even in highly-dependent smokers and are used as long-term substitutes for smoking.”*
“Complete substitution of smoking was reported by 81.0% of participants (former smokers) while current smokers had reduced smoking consumption from 20 to 4 cigarettes per day.”
“The most important reasons for initiating EC use for both subgroups [complete cessation and reduction] was to reduce the harm associated with smoking and to reduce exposure of family members to second-hand smoking.”
VAPESTake: One of the largest surveys of vapers ever studied, involving 19,414 participants. All but 0.5% were FORMER smokers who were now vaping instead of smoking. It is notable that beyond the raw numbers [81% had achieved complete smoking cessation] the primary motivation was harm reduction, not only to self, but to family members. [‘Second-hand vapor’ carries less than 1% of the danger of second-hand smoke.]

Title: 16. Effectiveness of the Electronic Cigarette
Source: International Journal of Environmental Research and Public Health
URL: https://1drv.ms/b/s!AtF91jqW2Ne9i2HNx0qqa_gEz3qU?e=vQ7k7Y
Quoted: *“In a series of controlled lab sessions with e-cig naïve tobacco smokers, second generation e-cigs were shown to be immediately and highly effective in reducing abstinence induced cigarette craving and withdrawal symptoms, while not resulting in increases in eCO. Remarkable (>50 pc) eight-month reductions in, or complete abstinence from tobacco smoking was achieved with the e-cig in almost half (44%) of the participants.”*

VAPESTake: This tightly controlled RTC study was looking not only at cessation results, but at cravings and withdrawal effects of the participants. The participants were from a pool of smokers who were not willing – or able – to stop smoking using other cessation techniques. The results revealed an overall reduction in cigarettes of 60% and a total abstinence rate of 21%. Cigarette cravings were sharply reduced or completely eliminated, and withdrawal symptoms were minimal.

Title: 17. E-cigarettes Comparing the Possible Risks of Increasing Smoking Initiation with the Potential Benefits of Increasing Smoking Cessation

Source: Nicotine & Tobacco Research

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9iz2mWFA1STVRYkXn?e=lrOIxB>

Quoted: *“Our analysis strongly suggests that the upside health benefit associated with e-cigarettes, in terms of their potential to increase adult smoking cessation, exceeds their downside risk to health as a result of their possibly increasing the number of youthful smoking initiators. Public messaging and policy should continue to strive to reduce young people’s exposure to all nicotine and tobacco products. But, they should not do so at the expense of limiting such products’ potential to help adult smokers to quit.”*

VAPESTake: This is yet another long-term cost-benefit analysis at the population level that recognizes the risk of youth initiation, but finds the benefits to society of adult smoking cessation are significantly greater.

Title: 18. E-Cigarettes More Effective Than Counseling Alone for Smoking Cessation

Source: American College of Cardiology

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9izij9Ac4f6Q6gJ4d?e=PfoXZh>

Quoted: *“Smokers who received smoking cessation counseling and used electronic cigarettes (e-cigarettes) containing nicotine were more than twice as likely to successfully quit smoking compared to those who received counseling but did not use e-cigarettes”*

VAPESTake: This study is consistent with just about every smoking cessation [any addiction] program, finding significant – if not dramatic - benefits are derived when combined with counseling. While not in this study, it should be noted that vape shops provide a remarkable level of ‘counseling’³ at a level that is difficult, if not impossible to obtain anywhere else. This is because most specialized vape shop employees are not only highly knowledgeable about their product, and therefore, can best assure the product is appropriate and understood, but the vast majority are also FORMER smokers who have successfully transitioned to the demonstrably safer disruptive technology they are offering – they are trusted peers.

Title: 19. Prevalence of population smoking cessation by electronic cigarette

Source: Journal Of Addictive Behaviors

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9iyoEe11aThK-Nkc8?e=f1t8Xa>

Quoted: *“Over half of daily e-cig users in the sample quit smoking in the last 5 years.”*
“Daily e-cig users were 3 times more likely to be quit than never e-cig users.”

VAPESTake: This is yet another study of ‘former smokers’ [people who successfully quit] and an analysis of how they achieved abstinence. The results found that daily vaping was the highest correlate.

³ There is no professional designation as ‘vaping counselor’, and all such communication is informal and considered ‘opinion’, rather than professional advice. However, peer counseling / support is universally known to be highly trusted and valuable, especially in the area of addiction, hence the success of Alcoholics Anonymous, Narcotics Anonymous, etc.

Title: 20. Quit and Smoking Reduction Rates in Vape Shop Consumers
Source: International Journal of Environmental Research and Public Health
URL: <https://1drv.ms/b/s!AtF91jqW2Ne9iytPNXwYwmeMyn1S?e=5cc1Mr>
Quoted: *“We have found that smokers purchasing e-cigarettes from vape shops with professional advice and support can achieve high success rates.”*
VAPESTake: This is yet another study looking at the role of vape shops – and their employees – in the successful reduction or complete cessation of combustible cigarettes by customers. Although vape shop employees are frequently highly trained ‘professionals’, there is no standard in the industry. [see footnote #3] Nonetheless, the study found a ‘quit rate’ in excess of 40% by users who took advantage of the expertise found in specialized vape shops.

Title: 21. Effectiveness of Electronic Aids for Smoking Cessation
Source: Current Cardiovascular Risk Reports
URL: <https://1drv.ms/b/s!AtF91jqW2Ne9iyVZBsG0G02cQ4sI?e=HPdinz>
Quoted: *“Preliminary evidence suggests that e-cigarettes are likely much safer than regular cigarettes and are helpful to some smokers as a means of reducing or quitting smoking.”*
VAPESTake: This study points out that electronic cigarettes [and mobile health intervention] should be [correctly] looked at as ‘alternative’ or ‘additional’ approaches to reducing tobacco-related morbidity and mortality, that have the [proven] potential to reach smokers who have not – or would not – utilize ‘traditional’ solutions or services, or for those for whom such ‘solutions’ failed to work. In the field of tobacco harm reduction, there is no one ‘right’ way, other than the solution that is successful.

Title: 22. E-cigarette use and associated changes in population smoking cessation
Source: British Medical Journal
URL: <https://1drv.ms/b/s!AtF91jqW2Ne9izRXJXZFI2BJF4f9?e=ow4zH0>
Quoted: *“The substantial increase in e-cigarette use among US adult smokers was associated with a statistically significant increase in the smoking cessation rate at the population level.”*
“E-cigarettes appear to have helped to increase smoking cessation at the population level”
VAPESTake: This is yet another study – this one in the U.S. -- that finds with very high confidence [and consistent with almost every other similar study] that there is a statistically significant correlation between the increase in the number of smokers who try vaping to help them quit, and their success. More vapers results in fewer smokers. This is about as simple as it gets.

Title: 23. Association Between Electronic Cigarette Use and Smoking Reduction in France
Source: Journal of the American Medical Association – Internal Medicine
URL: <https://1drv.ms/b/s!AtF91jqW2Ne9izbuQSDjzGfrJzQ3?e=7Gk08U>
Quoted: *“This study’s findings suggest that among adult smokers, EC use appears to be associated with a decrease in smoking level and an increase in smoking cessation attempts”*
VAPESTake: This is yet another study – this one in France – that demonstrated the use of vaping as a smoking cessation tool was associated with a significant decrease in the number of cigarettes smoked, and a higher smoking cessation outcome, than was realized by participants that did not use vaping. More vaping equals less smoking. This is about as simple as it gets.

Title: 24. Adherence among Pregnant Women - Trial of E-Cigarettes for Smoking Cessation
Source: International Journal of Environmental Research and Public Health
URL: https://1drv.ms/b/s!AtF91jqW2Ne9iy_LpvNItE3HN-S?e=HEv67l
Quoted: *“Pregnant smokers provided with e- cigarettes, and with generally high levels of vaping, had positive beliefs about the necessity of vaping for smoking cessation which outweighed concerns about vaping.”*
VAPESTake: This study demonstrates that concerns for the safety of and health benefits for others [fetus internally and family/existing children affected by second-hand smoke] were strong motivating factors for women toward giving up or reducing cigarette smoking while pregnant, believing [quite correctly] that vaping is magnitudes safer than smoking at every metric. The significance of this goes far beyond this study. Minimizing -- or worse yet, falsifying – the actual benefits of vaping has the dangerous affect of reducing trust – and use – of safer solutions. The end result for many – if not most – smokers who might have considered vaping, is that they continue to smoke, which is unequivocally the worst possible outcome.

Title: 25. Changing Perceptions of Harm of e-Cigarette vs Cigarette
Source: Journal of the American Medical Association - Network
URL: https://1drv.ms/b/s!AtF91jqW2Ne9izoKzLc_TLXLnl77?e=3LYwtl
Quoted: *“The proportion of US adults who perceived e-cigarettes to be as harmful as or more harmful than cigarettes increased substantially from 2012 to 2017. The findings of this study underscore the urgent need to accurately communicate the risks of e-cigarettes to the public, which should clearly differentiate the absolute from the relative harms of e-cigarettes.”*
VAPESTake: This study highlights a dangerous – and deadly – trend in the U.S. to ignore, minimize, or falsely refute the scientifically proven benefits of vaping, while simultaneously, and intentionally, spreading misinformation and fear, concerning the ‘risks’ of vaping, and exaggerating the dangers. Examples include statements that vaping may actually be more dangerous than smoking combustible cigarettes, that smokers would be better off continuing to smoke until more is known about vaping, and even suggesting that vaping will cause worms to crawl under the skin, and parasites to eat out the brains of teenagers. <https://www.youtube.com/watch?v=zYuyS1Oq8gY>
Grossly untruthful scare tactics used to misinform the public are never good – or acceptable – but such efforts are being deployed and coordinated at the highest levels of government, and with increasing success, resulting in perceptions that are significantly out of line with the science and facts – but on fear.

Title: 26. The Renormalization of Smoking - E-Cigarettes and the Tobacco Endgame
Source: New England Journal of Medicine
URL: https://1drv.ms/b/s!AtF91jqW2Ne9iybylui6h_-OP9R6?e=tBqFzw
Quoted: *“Some studies suggest that the majority of e-cigarette users treat them as cessation aides and report that they’ve been key to quitting smoking.”*
“The most vocal supporters of e-cigarettes, other than those with commercial interests in them, have been public health professionals who’ve embraced the strategy of harm reduction — an approach to risky behavior that prioritizes minimizing damage rather than eliminating the behavior.”
“We may not be able to rid the public sphere of “vaping,” but given the magnitude of tobacco-related deaths — some 6 million globally every year and 400,000 in the United States, disproportionately among people at the lower end of the socioeconomic spectrum — an unwillingness to consider e-cigarette use until all risks or uncertainties are eliminated strays dangerously close to dogmatism.”

VAPESTake: This well-thought-out perspective piece from no other than the preeminent New England Journal Of Medicine, frames the current debate well. If the ‘Endgame’ of the tobacco-control advocates is nothing short of total, puritanical, abstinence - if not outright abolition - of nicotine, then vaping represents an existential threat to their movement, because nearly all the real ‘dangers’ from nicotine addiction that come from combustible cigarettes – that are the legitimate fear generators - have been eliminated. Vaping is so much safer – by magnitudes [scientifically estimated to represent less than 1/20th of the harm of combustible cigarettes, down to as little as 1/100th or less] that tobacco abolitionists fear it will simply replace smoking. Ironically, this is exactly what ‘Harm Reduction’ public health advocates are fighting for; you quickly eliminate 95%-99% of the ‘harm’ from smoking, so you can then focus time and resources on the underlying issues of the underlying addiction. As the article rightfully points out, all we have to do is look back to the prohibitionist ‘War on Alcohol’ and the ‘War on Drugs’ for guidance related to their effectiveness and outcomes.

Title: 27. Online Vape Shop Customers Who Use E-Cigarettes Report Abstinence from Smoking

Source: International Journal of Environmental Research and Public Health

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9iy4aUJCgUMvWWWhIA?e=jdwu4e>

Quoted: *“Nevertheless, the recurrently reported earlier unsuccessful smoking cessation attempts, using different aids such as NRT, and the overall agreement that vaping helps with quitting or reducing smoking in substantial proportions of respondents suffice to make the case that e-cig-based tobacco harm reduction (THR)—encouraging the substitution of low-risk alternatives—may provide a viable alternative for (at least some) smokers who cannot or do not want to cease all tobacco and/or nicotine consumption.”*

VAPESTake: In what should now be a recognizable recurring theme, vaping is a remarkably successful smoking cessation solution for a substantial pool of smokers [tens of millions] who have been either unable or unwilling to quit using other solutions, but have found success with vaping. Harm Reduction advocates are universal in their unwavering position that doing something that is ‘less harmful’ than an alternative, [vaping nicotine instead of smoking it] is a wise choice that should not only be allowed, but encouraged, not only at the individual level, but at the highest levels of public health policy.

Title: 28. What Are The Reasons That Smokers Reject ENDS?

Source: Journal of Drug and Alcohol Dependence

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9i0EaEQjyEnjVDhr?e=scbx9J>

Quoted: *“Whereas smokers who had formerly used ENDS cited inadequate craving reduction or incomparability to smoking for their discontinuation, the larger segment of smokers who have never used ENDS cited "safety," "effectiveness," and "costs" as reasons for non-use.”*

VAPESTake: While every major health organization [WHO, CDC, FDA, American Lung, American Heart, American Cancer, etc] has come to the [sometimes reluctant] conclusion that vaping is less harmful, less dangerous, and less deadly than cigarette smoking, the relentless media focus solely on the ‘dangers’ of vaping, and the ‘risk’ to youth are drowning out the clear, factual, scientific, and evidence-based position that vaping is a vastly superior ‘bad habit’ that would save millions of lives, and trillions of dollar, if only pursued with the same vigor and passion and resources as the efforts to destroy this positive message are getting.

Title: 29. Vape Shops As Cessation Counselors

Source: International Journal of Environmental Research and Public Health

URL: <https://1drv.ms/b/s!AtF91jqW2Ne9iyeTUpOGtX7SQYej?e=XlKn4f>

Quoted: *“Specialist electronic cigarette (e-cigarette) shops, known as vape shops, provide access to a less harmful alternative to smoking. This study aimed to understand customers’ experiences of vaping and vape shops, and the extent to which smoking cessation advice is and should be provided in these shops.”*

“I Felt Welcomed in Like They’re a Little Family in There, I Felt Like I Was Joining a Team or Something”

“Vape shops have the potential to play an important role in tobacco harm reduction, which could be increased if their service model were to extend to help smokers to quit.”

VAPESTake: ‘Success’ should be measured by its level of success. Specialty vape shops were predominantly opened by former smokers who successfully transitioned from smoking cigarettes, to vaping. Specialty vape shops almost exclusively hire vapers who understand and can recount their own successful journey from cigarettes to vaping. The undeniably simple truth that tens of millions of smokers have successfully reduced or completely stopped smoking through vaping, is in itself a success story that should be celebrated, but this success was only made possible as the result of thousands of successful, small business, neighborhood corner, friendly Mom-N-Pop, family-owned, smoking-cessation centers... that are not even allowed to claim they help people quit smoking because Big Government – and Big Tobacco – and Big Pharma – are terrified of their success.

Shutting down and destroying the most successful smoking cessation system ever designed, would not be a ‘success’ under any definition.

Closing Remarks From The Vaping Awareness Public Education Society

The human consumption of nicotine from the tobacco plant dates back to 5000 BC, and is not likely to be abolished this year... or decade... or century.

Notwithstanding, smoking tobacco cigarettes remains the most deadly, debilitating, and costly habit known to mankind; nothing even comes close.

ANYTHING that can be done to reduce or break cigarette smoking habit represents an unparalleled and irrefutable benefit to society.

ANY efforts to discourage or restrict a healthier, safer alternative to smoking [anything!!] is poor – irresponsible – public health policy.

Legislation should be crafted to minimize youth adoption, but NOT at the expense of harming the prospects for existing smokers to break the cigarette smoking habit.

Accelerated adoption and open encouragement of vaping as a proven reduced-harm alternative to smoking would almost certainly save millions of lives, and billions of dollars every year, based on facts, data, and empirical evidence already before any open-minded person willing to do nothing more than look at the data.

Fear-based abolitionist and prohibitionist policies, in contrast - especially if such efforts successfully destroy the vaping industry, as is openly advocated for by many - will result in the needless death of tens of millions of people, and with a net cost to society of multiple trillions of dollars. This too, is supported by empirical facts.

Vaping Saves Lives

Legislate wisely based on FACT – NOT FEAR!

If Daddy is an alcoholic, the victory is getting Daddy sober, not letting Daddy die, so the prohibitionist orphanage can celebrate the arrival of their newest child teetotaler...

14b - SB 1056 - FIN- MACHO -LOSWA .pdf

Uploaded by: State of Maryland (MD)

Position: FWA



**2024 SESSION
POSITION PAPER**

BILL: SB 1056 – Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Revisions (Tobacco Retail Modernization Act of 2024)
COMMITTEE: Senate Finance Committee
POSITION: Letter of Support With Amendments
Bill ANALYSIS: SB 1056 would prohibit licensees that sell cigarettes, other tobacco products, or electronic smoking devices at retail from displaying those items for sale unless located behind a counter, require verification of a date of birth for certain individuals before sale, and make other changes to current law.

POSITION RATIONALE: The Maryland Association of County Health Officers (MACHO) supports SB 1056 with amendments. This bill recognizes the current challenges of enforcing existing tobacco/vaping regulations and the persistently high use of these products by teens. Public health officials agree with the value of more effective enforcement to reduce underage sales of traditional tobacco and vape products. Several times during recent years, inspections have revealed that greater than 20% of Maryland retailers have sold vape and tobacco products to underage purchasers. Local health departments (LHDs) are involved with the inspections of these retailers related to tobacco compliance enforcement.

To better fund the staffing needs required for additional inspections, MACHO recommends:

Deletion of the text on Page 4, Lines 5-7 and replacing it with the following:

- (ii) \$225 TO THE COUNTY’S LOCAL HEALTH DEPARTMENT**
- (iii) \$50 TO THE MARYLAND DEPARTMENT OF HEALTH’S PREVENTION AND HEALTH PROMOTION ADMINISTRATION**

Enforcement is statutorily delegated to County Health Officers and law enforcement personnel, not county governments. In jurisdictions where law enforcement takes a role in tobacco/vape enforcement, it is through contracts with local health departments. To accomplish the goal of reducing sales to underage individuals, additional revenue generated by the licensing changes in HB 1180 should go primarily to LHDs. It is reasonable to allocate a portion of new revenue to the Maryland Department of Health to fund better coordination of statewide enforcement efforts, provide technical assistance to LHDs, and increase capacity for MDH to work with the Maryland State Department of Education to reduce vaping in schools.

Because local health departments are at the center of enforcement in communities across the state, MACHO asks that a Health Officer be included in all subcommittee discussions of SB 1056.

For these reasons, the Maryland Association of County Health Officers submits this letter of support with amendments for SB 1056. For more information or for a Health Officer representative for future subcommittee discussions, please contact Ruth Maiorana, MACHO Executive Director at rmaiora1@jhu.edu or 410-937-1433. *This communication reflects the position of MACHO.*

SB1056_MRA_UNF.pdf

Uploaded by: Sarah Price

Position: UNF

MARYLAND RETAILERS ALLIANCE

The Voice of Retailing in Maryland



SB1056 Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024)

Finance Committee

March 7th, 2024

Position: Unfavorable

The Maryland Retailers Alliance (MRA) has serious concerns about the overall impact of a slate of proposals introduced this year regarding tobacco sales. It appears that the legislature intends to use regulation as a vehicle for removing tobacco from the state through a combination of policies including high tax rates and retail sale prohibitions. We have chosen to address several bills in one document as these bills are scheduled to be heard in separate committees and on separate dates, and we want to ensure that each body is considering the full scope of these proposals and the impact of these policies as a package rather than passing them in a vacuum.

Our membership does not disagree with an intent to address minors' use of illegal products, but the manufacturing and sale of tobacco products is already a highly regulated industry. Age-restriction laws are in place to keep these items out of the hands of children, and consumers in Maryland face some of the highest taxes on tobacco in the country at \$3.75 per pack of 20 cigarettes – higher than all of our neighboring states: Virginia (\$0.60 per pack), West Virginia (\$1.20 per pack), Pennsylvania (\$2.60 per pack), Delaware (\$2.10 per pack), and even Ohio (\$1.60 per pack), North Carolina (\$0.45 per pack), and New Jersey (\$2.70 per pack).

Restricting or prohibiting the sale of products is often well-intentioned and seems like the simplest solution to curb tobacco use: ban or make it difficult for tobacco customers to buy their preferred products, and they will stop using them. We know from cases around the country where governments have passed local flavored tobacco bans that this is not the case. Customers who cannot conveniently purchase these products in Maryland will go to another state to buy the items that they are looking for. There are over 1,600 tobacco retailers within ten miles of Maryland's border in neighboring jurisdictions and no Marylander lives farther than 35 miles from a tobacco retailer across the state line. Users who face a barrier to travel will simply get their products online or illegally from the black market.

We support a regulated industry, and that includes making sure that the products that are available to customers are vetted items. Efforts to curb use that could result in increased black market activity may be detrimental to the health of adult consumers of tobacco products, and we would respectfully urge the Committees to strongly consider this when discussing these bills.

SB1056/HB1180 Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024)

SB1056 would, among other things, prohibit retailers with a pharmacy permit from selling tobacco products. As a proponent of the free market, we strongly oppose this prohibition which would restrict access to legal, regulated products for purchase by consenting adults. This is of extremely serious concern to not only our retail chain drug stores but also grocery stores in Maryland that provide a pharmacy counter in their community. It is unclear in the bill whether this prohibition on sales in pharmacies would apply only to the pharmacy area in grocery stores, or if retailers would be restricted from selling any tobacco products anywhere in a store that also includes a pharmacy counter.

Marylanders are accustomed to being able to buy a variety of goods outside of the primary categories of food and medicine at both grocery stores and pharmacies, with retail pharmacies often meeting consumer needs by operating as a small general store in many communities. As noted in our introduction, restricting access to legal products may only drive consumers to shop in jurisdictions outside of Maryland or to purchase their desired items through illegal, unregulated channels. We strongly oppose this proposal and believe that it would harm the business community in Maryland without effectively reducing tobacco use in the state.

We would urge an unfavorable vote on SB1056.

HB1033/SB987 Business Regulation - Electronic Smoking Devices Manufacturers – Certifications

HB1033 would require the establishment of a directory of electronic smoking devices that have been approved for sale by the Food and Drug Administration (FDA), ostensibly in an effort to reduce the proliferation of illegal products in the market. We do not oppose the goal of this legislation but there are issues with the bill as proposed.

The directory created by HB1033 would allow the sale of products that have already received approval for sale by the FDA but the bill does not include any statutory requirement to update the directory as new products are approved. This omission fails to address products that were submitted for federal consideration by the September 9, 2020 deadline but which have not yet received a final decision from the FDA.

A separate bill being considered this year, HB1197, proposes a similar directory but requires the Office of the Attorney General to update the directory as needed in order to correctly reflect approved products. Our members have expressed a preference for HB1197 over HB1033 due to this difference.

We would urge an unfavorable report on HB1033.

HB844/SB582 Business Regulation - Cigarette, Other Tobacco Product, and Electronic Smoking Device Retailers - Nicotine Replacement Therapy Products (Make Quitting Convenient Act)

HB844 would require any retailer that sells tobacco products to also sell nicotine replacement therapy products and to post signage in stores. It is inappropriate for the legislature to mandate that retailers carry specific products and to even establish parameters around ordering and stocking timelines, which can vary widely between individual business practices.

In addition to this overreach, the signage requirements in HB844 would be burdensome for businesses. “Real estate” space for notices and signs in stores is a tight market, and customers are already overwhelmed with signs on a multitude of topics in aisles, at the entrance of stores, and at the point of sale, especially in stores like pharmacies, grocery stores, and convenience stores that sell a wide variety of items. A federal order already exists which mandates that businesses post signage about the dangers of smoking, and this should be sufficient to suggest changes to consumer behavior.

We would urge an unfavorable vote on HB844.

HB1197 Business Regulation - Electronic Smoking Devices Manufacturers – Certifications

HB1197 would require the establishment of a directory of electronic smoking devices that have been approved for sale by the Food and Drug Administration (FDA), ostensibly in an effort to reduce the proliferation of illegal products in the market. Unlike HB1033, HB1197 would require that the directory be updated to reflect products that have been newly approved for sale by the FDA, as many items were submitted for review by the federal deadline in 2020 but have yet to receive final determination. A similar bill was recently passed in Virginia and HB1197 would create a consistent market between Maryland and our close neighbor, decreasing the likelihood of consumers crossing the state line in search of specific legal products. Our members have expressed a preference of HB1197 over HB1033 for these reasons.

We would support a favorable report on HB1197.

HB1073 Tobacco Tax - Cigarettes - Rate Alteration

HB1073 would increase the sales tax rate on cigarettes from \$3.75 per pack of 20 cigarettes to \$4.50 per pack, and from 17.5 cents per cigarette in a larger pack to 22.5 cents per cigarette. As noted in our introduction, Marylanders already pay a higher tobacco tax than consumers in any of our immediately neighboring states and beyond, and can reach cigarette retailers in any of those states by driving less than 40 miles. This regressive tax would primarily impact tobacco use for consumers who cannot travel even that simple distance, and could result in higher sales in the black market rather than any

actual reduction in tobacco use. Increasing the tax on cigarettes by almost \$1.00 per pack would increase “border bleed” sales and harm businesses by greatly increasing the price of legal, regulated products for adult consumers.

We would urge an unfavorable report on HB1073.

HB1414 Electronic Smoking Devices - Licensure, Indoor Use, and Taxation – Alterations

HB1414 would, among other things, increase the sales tax rate on electronic smoking devices from 12% to 30%. As noted in our introduction, regressive tax increases such as this merely encourage consumers to cross Maryland’s very close borders to purchase their desired products. Increasing prices as a method to encourage a change in consumer behavior is inappropriate for these items, as is using the consumption of certain products as a method of increasing tax revenue. Increasing this tax would harm businesses and increase prices for legal items for use by adults in Maryland. Other bills have been introduced which would update the Clean Indoor Air Act to restrict the indoor use of electronic smoking devices, and which have not been opposed by MRA.

We would urge an unfavorable report on HB1414.