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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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SB 842
Electronic Smoking Devices
Seizure and Wholesaler Record-Keeping Requirements

Good afternoon, Chair Wilson, Vice Chair Crosby and Members of the Economic Matters Committee;

Thank you for the opportunity to present SB 842, Electronic Smoking Devices – Seizure and Wholesaler Record-Keeping Requirements. Though Maryland has made important strides on tobacco control, the problem of youth access to tobacco products, particularly electronic smoking devices, remains significant. Big Tobacco is persistent in targeting children, and so we too must remain persistent in protecting these children from their products.

Senate Bill 842 authorizes the Executive Director of the Alcohol, Tobacco, and Cannabis Commission (“ATCC”) to seize electronic smoking devices that are sold or offered for sale in violation of the business regulations article without a warrant. The Executive Director must give notice of a seizure to the person from whom the electronic smoking device (ESD) is seized at the time of seizure, stating the right of the owner or other interested person to file a claim for return of the seized property. This is generally the same process that currently exists for contraband alcohol and tobacco products.

The ATCC is currently able to seize tobacco products like cigarettes in carrying out its enforcement authority. Notably absent from any seizure authority, however, is authorizing language that allows it to seize electronic smoking devices for any violations. SB 842 would grant the ATCC this seizure power.

A similar loophole exists in the record keeping requirements for electronic smoking devices. Though other tobacco products are subject to record keeping requirements that include key information like who the products were purchased from, what retailers they may be sold to, and supporting information like quantities and dates of sale, electronic smoking devices are not subject to these same record keeping requirements. SB 842 requires each ESD wholesaler distributor or importer to make specified records, keep those records for up to 6 years, and allow the Executive Director of ATCC to examine the records.

These steps are critical for ensuring the same strategies and enforcement that protect Maryland's youth from products like cigarettes are also available for electronic smoking devices, which as you know, are a particularly prominent market with young smokers.

The need for this legislation is broadly recognized. In 2024, polling showed eighty-one percent of Maryland voters supported action against Big Tobacco to safeguard our children. The facts make clear why concern is so widespread. Over 48,000 Maryland high school students self-report that they use tobacco products, a number that likely falls short of the true total.

The impacts of tobacco use are significant. Maryland incurs annual healthcare costs of approximately \$3.14 billion directly related to smoking, and 27.5% of cancer-related deaths in Maryland can be traced to tobacco use.

For these reasons, I respectfully request a favorable report on SB 842 and continue your strong track record of protecting our children from the dangers of tobacco.