

**SB249 - Favorable - ATCC - 2-5-2026.pdf**

Uploaded by: Andrew Garrison

Position: FAV



# ATCC

Alcohol, Tobacco, and Cannabis Commission

Wes Moore  
Governor

Aruna K. Miller  
Lt. Governor

Jeffrey A. Kelly  
Executive Director

February 5, 2026

**BILL: SB249 - Tobacco Product Licensees – Additional Licensure for Electronic Smoking Devices**

**COMMITTEE: Finance**

**POSITION: Favorable**

Chair Beidle and members of the Senate Finance Committee:

I write on behalf of the Alcohol, Tobacco, and Cannabis Commission (ATCC) to request a **Favorable Report for SB249 - Tobacco Product Licensees – Additional Licensure for Electronic Smoking Devices.**

SB249 would require manufacturers, retailers, wholesalers, and wholesale importers engaged in the production or sale of Electronic Smoking Devices (ESDs) to obtain an additional, product-specific license authorizing that activity. Under current law, businesses holding a Cigarette or Other Tobacco Product (OTP) license may also sell ESDs without any distinct licensure, despite the unique regulatory, public health, and enforcement considerations associated with these products. SB249 appropriately addresses that regulatory gap.

SB249 would ensure that the ATCC, local health departments, and other stakeholders can accurately identify those businesses engaged in the ESD market. This clarity is essential to effective oversight within the State's tobacco products' retail marketplace. In December 2025, the ATCC issued its report entitled [Maryland Tobacco Retail Modernization Act of 2024](#), as required by SB1056 (Chapter 462 of 2024).<sup>1</sup> That report attempted to identify the locations of retail businesses selling ESDs within Maryland, but it also highlighted the difficulty of doing so under the current licensure structure, where a Cigarette or OTP license alone authorizes ESD sales. As of December 31st, 2024, there were more than 6,000 OTP and cigarette businesses spread throughout the state, and only 125 businesses which held an identifiable ESD-specific license.

To fully evaluate the feasibility and potential impact that tobacco products' retailer sales have on the Maryland market, the ATCC must first obtain a complete and accurate understanding of the retail landscape, particularly with respect to ESDs. The absence of a mandatory, product-specific ESD license creates significant challenges in determining how many retailers are actively engaged in this segment of the market. SB249 directly responds to those challenges. To be clear, SB249 does not prevent tobacco products retailers from holding other tobacco-related licenses, but rather requires retailers to

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<sup>1</sup> <https://sb1056.glide.page/dl/948810>

obtain an endorsement or license for each product type they sell, without creating any new fees or increasing any existing fees for retailers. This structure would allow the State to maintain a definitive count of ESD retailers and support a more accurate assessment of the overall tobacco retail industry.

Fiscal considerations further underscore the importance of this legislation. In FY25, Maryland collected approximately \$390.4 million in cigarette excise taxes and \$65.4 million from OTP excise taxes. By contrast, ESDs are not subject to excise taxation and therefore do not generate comparable revenue when produced or imported. While ESD products are subject to an enhanced sales tax, the ATCC has observed inconsistent awareness and application of that tax among retailers. In November 2025, the ATCC published a [report on tax adherence](#) throughout the ESD retail landscape.<sup>2</sup> One of the key findings was that nearly two-thirds of ESD retailers were charging the incorrect tax rate, or no tax rate at all. Requiring these retailers to obtain an additional license will allow for easier tax compliance oversight by both the ATCC and the Comptroller's Office.

Given the growing presence of ESDs in Maryland's retail market, it is essential for regulators and policymakers to understand the scope of their distribution and market share, particularly as shifts in consumer behavior may have downstream impacts on State revenues and enforcement priorities.

SB249 strengthens regulatory transparency without imposing unnecessary financial hardship on the State's tobacco products' retailers. By aligning licensure with product-specific offerings, this bill enhances public health protections, supports effective enforcement, and equips policymakers with the information necessary to make informed decisions about future tobacco and nicotine regulation in Maryland.

**For these reasons, I respectfully urge the Senate Finance Committee to issue a Favorable Report for SB249 - Tobacco Product Licensees – Additional Licensure for Electronic Smoking Devices.**

Thank you for your consideration and I am available to answer any questions or concerns that you may have related to my testimony on this piece of legislation.

Sincerely,



Jeffrey A. Kelly  
Executive Director

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<sup>2</sup> <https://online.fliphtml5.com/leeyc/tfxa/#p=1>



# **SB249\_OAG\_FAV**

Uploaded by: Anna MacCormack

Position: FAV

**CAROLYN A. QUATTROCKI**  
*Chief Deputy Attorney General*

**LEONARD J. HOWIE III**  
*Deputy Attorney General*

**CARRIE J. WILLIAMS**  
*Deputy Attorney General*

**SHARON S. MERRIWEATHER**  
*Deputy Attorney General*

**ZENITA WICKHAM HURLEY**  
*Chief, Equity, Policy, and Engagement*



**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**  
**TOBACCO ENFORCEMENT DIVISION**

**ANTHONY G. BROWN**  
*Attorney General*

**JOHN M. LEOVY**  
*Division Chief*

**PETER V. BERNS**  
*General Counsel*

**CHRISTIAN E. BARRERA**  
*Chief Operating Officer*

**ANNA MACCORMACK**  
*Assistant Attorney General*

February 5, 2026

**TO:** The Honorable Pamela Beidle  
Chair, Finance Committee

**FROM:** Anna MacCormack  
Assistant Attorney General, Office of the Attorney General

**RE:** Senate Bill 249 – Tobacco Product Licensees – Additional Licensure for  
Electronic Smoking Devices

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The Office of Attorney General urges this Committee to report favorably on Senate Bill 249 – Tobacco Product Licensees – Additional Licensure for Electronic Smoking Devices.

Senate Bill 249 brings much-needed improvements to Maryland’s electronic smoking devices (“ESDs”) law, Business Regulation Title 16.7. There have been many changes since Title 16.7 was enacted in 2017, including significant growth in the market and an explosion in the number and type of ESDs.

Senate Bill 249 strengthens the licensing requirements for ESD manufacturers, wholesalers, and retailers by eliminating a significant gap in the licensure system. Currently, many, if not most, entities selling ESDs are exempted from obtaining ESD licenses because these entities already have cigarette or other tobacco products licenses.

Senate Bill 249 requires that all businesses obtain a separate ESD license, enabling the State to know what businesses are manufacturing, buying, and selling ESDs in Maryland. Senate Bill 249

Re: Senate Bill 249  
February 5, 2025  
Page 2

also waives additional licensing fees for retailers and vape shop vendors that already have cigarette and other tobacco products licenses, removing any financial obstacle for these entities to obtain the required ESD license.

Many ESDs sellers in Maryland have avoided licensure because of the loophole in the current law. Senate Bill 249 removes this and subjects ESD sellers to the requirement to obtain a license that has long existed for cigarette and other tobacco product sellers. This will enable the State to know what businesses are selling ESDs, which will improve enforcement of Business Regulation and tax laws.

For the foregoing reasons, the Office of the Attorney General urges a favorable report on Senate Bill 249.

cc: Committee Members

**Candice Gott SB249 support.pdf**

Uploaded by: Candice Gott

Position: FAV

Candice Gott  
Vape Jungle  
Maryland Business Owner and Constituent

Chair Beidle and Members of the Senate Finance Committee,

I am respectfully requesting a favorable report on SB 249. I am a Maryland vape shop owner who has been operating legally for over 12 years. I support reasonable regulation that preserves this industry for businesses that follow the law and ensures adult access to regulated products.

SB 249 is narrowly focused and intentionally limited in scope. It does not attempt to solve every issue in this industry. Instead, it establishes a foundational requirement that every retailer selling these products be properly licensed. Without universal licensure, regulators cannot accurately identify who is selling these products, enforce existing laws, or address noncompliance.

At present, many smoke and tobacco shops, which are distinct from licensed vape shops, operate outside the law by avoiding licensing requirements and taxes. This creates a significant imbalance for compliant businesses. The Maryland Vapor Alliance conducted a randomized compliance buy of 50 smoke shops across the state, and only two were paying the proper taxes. This allows noncompliant retailers to sell the same products for several dollars less simply because they are not following the law.

When consumers are faced with higher prices, explanations about compliance and legality are often ignored, particularly in today's economy. Customers go where it is cheapest, even if that business is operating unlawfully.

We cannot continue to allow these products to become convenience items sold on every corner without oversight. That broader issue must be addressed in future legislation, but it cannot be meaningfully tackled until the state knows who is selling these products in the first place. Licensure is the necessary starting point.

SB 249 represents a critical first step toward correcting this imbalance. Requiring proper licensure allows regulators to identify bad actors, recover lost tax revenue, and reduce the black market while keeping these products available to adults through regulated, responsible retailers.

These products should not be treated as convenience items sold on every corner. They belong in licensed vape shops that understand the products, the laws, and the responsibilities that come with selling them. This is a solution for another day.

I respectfully ask for a favorable report on SB 249 as an important step toward fair regulation, consumer protection, and a level playing field for compliant Maryland businesses.

Thank you for your time and consideration.

Respectfully,

Candice Gott

# **SB0249\_FAV\_MedChi\_Tobacco Product Licensees - Addi**

Uploaded by: Drew Vetter

Position: FAV



*The Maryland State Medical Society*  
1211 Cathedral Street  
Baltimore, MD 21201-5516  
410.539.0872  
Fax: 410.547.0915  
1.800.492.1056  
www.medchi.org

Senate Finance Committee  
February 5, 2026

Senate Bill 249 – *Tobacco Product Licensees – Additional Licensure for Electronic Smoking Devices*  
**POSITION: SUPPORT**

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, **supports** Senate Bill 249.

Senate Bill 249 requires businesses that sell electronic smoking devices, such as e-cigarettes and vapes, to hold a specific county license for those electronic products instead of automatically using their traditional tobacco license. It removes the old provision that allows tobacco license holders to sell electronic devices under the same license but waives the extra license fee for existing tobacco licensees who apply as retailers or vape shop vendors. Existing tobacco license holders can continue selling electronic smoking devices under their current authority until their license expires, after which they must comply with the new requirements.

Electronic cigarettes and vape use are a public health epidemic. Requiring specific licensure for electronic smoking devices serves to benefit our communities with additional oversight on vape products, especially as they are becoming increasingly popular amongst minors. Compliance regulations for electronic smoking device vendors under the new specific license ensures that those vendors are taking the necessary steps to ensure that electronic smoking devices, and tobacco products in general, do not end up in the hands of minors. These precautions include requirements for merchants to post notices warning minors against attempting to purchase tobacco and to obtain proof of age for would-be purchasers.

MedChi urges a favorable report on Senate Bill 249.

**For more information call:**

Andrew G. Vetter  
J. Steven Wise  
Danna L. Kauffman  
Christine K. Krone  
410-244-7000

**testimony HB 249 ESD licensing MDDCSAM FAV.pdf**

Uploaded by: Joseph Adams, MD

Position: FAV



*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 249 SUPPORT**

Tobacco Product Licensees - Additional Licensure for Electronic Smoking Devices

Finance Committee

February 5, 2026

Greetings, Chair Beadle and members of the committee,

A separate license for the manufacturer, distribution or sale of ESDs (Electronic Smoking Devices) is clearly needed as a step toward combating the ongoing, and very worrisome youth vaping epidemic. **Otherwise, regulators would be without the basic information on how many of these devices are distributed, where, and by whom. Any guidance, regulation or enforcement specific to these devices would be very difficult.**

**Up to 85% of e-cigarette devices and pods sold in U.S. retail outlets are illegal products, and remain the most commonly used tobacco product among middle and high school students,** with more than 1.6 million youth reporting current use in 2024. **(1)** (HHS Press Release, September 2025)

"The effects of nicotine are particularly potent in children and young adults . . . E-cigarettes can deliver high concentrations of nicotine. . . "The use of e-cigarettes is a risk factor for future cigarette use in young adults." **(2)**

"If the younger generation begins using e-cigarettes as a result of targeted marketing, appealing flavors and 'safer alternative' perception, decades of progress made in conventional tobacco control will be negated. . . "strong e-cigarette regulation measures are needed for prevention." **(2)**

ESDs can help with tobacco/nicotine cessation in individuals with existing nicotine use disorder, so regulation should be nuanced. But their overall public health effects are overwhelmingly harmful. The epidemic of youth vaping is believed to increase the development of tobacco/nicotine use disorder, with well-known, devastating public health consequences.

(continued . . .)

(... continued)

ESDs can create a perception that the “harmless vapor” is safe. Nicotine exposure during brain development affects, attention and memory, impulse control, and vulnerability to other substance use in adolescents and young adults. And long-term impact on the development of cancer, chronic lung disease, and cardiovascular outcomes are still unknown.

"Vaping-Associated Pulmonary Injury" leading to a surge in Intensive Care Unit peaked in 2019, but is still occurring. **(3)**

Also, harms of these devices are related to their common use for illicit drug delivery including K2/Spice, THC concentrates, with reported use for methamphetamine, synthetic stimulants, and possibly fentanyl.

Respectfully,

Joseph Adams, MD, FASAM, addiction & internal medicine; Co-Chair, MDDCSAM Public Policy Committee

#### **REFERENCES:**

**(1)** HHS Press Release September 15, 2025: HHS Makes Push to Stop Youth Vaping

<https://www.hhs.gov/press-room/hhs-youth-vaping-resource-guide-illegal-vapes.html#:~:text=WASHINGTON%E2%80%94SEPTEMBER%2015%2C%202025%E2%80%94,press%20conference%20highlighting%20the%20seizure>.

**(2)** Bhalerao A, et al. Public Health Policies on E-Cigarettes. Review Curr Cardio's Rep. 2019 Aug 28;21(10):111.

**(3)** Zulfiqar H, et al., StatPearls, StatPearls Publishing; 2025 Jan.

[https://www.ncbi.nlm.nih.gov/books/NBK560656/?utm\\_source=chatgpt.com](https://www.ncbi.nlm.nih.gov/books/NBK560656/?utm_source=chatgpt.com)

# **SB 249 - Tobacco Product Licenses - Additional Lic**

Uploaded by: Kathryn Feeley

Position: FAV



February 3, 2026

The Honorable Pamela G. Beidle  
Chair, Senate Finance Committee  
3 East Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: Support for SB 249 – Tobacco Product Licensees – Additional Licensure for Electronic Smoking Devices**

Dear Senator Beidle:

The Maryland State Council on Cancer Control (Council) respectfully submits this letter of support for Senate Bill 249 – Tobacco Product Licensees – Additional Licensure for Electronic Smoking Devices (SB 249). The Council supports this legislation because it strengthens Maryland’s ability to effectively enforce tobacco-related laws and enhances public health surveillance related to electronic smoking devices, which is critical for cancer prevention and control efforts.

**Improved Enforcement and Regulatory Clarity**

SB 249 establishes clearer, more specific licensing requirements for the sale of electronic smoking devices. By requiring a distinct license, the bill improves regulatory clarity for both retailers and enforcement agencies. This clarity supports more consistent enforcement, reduces ambiguity in compliance, and helps close gaps that currently limit oversight of electronic smoking device sales.

**Enhanced Surveillance and Public Health Utility**

Accurate and comprehensive licensing data are foundational to effective public health surveillance. Separate licensure for electronic smoking devices will allow state and local agencies to better identify where these products are sold, monitor trends in availability, and assess proximity to schools and other youth-centered settings. This information is particularly valuable for cancer surveillance, as it supports analysis of exposure risk, informs prevention strategies, and guides targeted interventions in communities.

From a cancer control perspective, improved surveillance data can be integrated with existing public health and cancer registry information to better understand patterns of tobacco and nicotine use and to evaluate the impact of policy and prevention efforts over time. These data-driven approaches are essential to reducing cancer risk associated with tobacco and electronic smoking device use.



**Alignment with Public Health and Prevention Goals**

SB 249 aligns with Maryland's broader public health goals by supporting evidence-based decision-making, strengthening compliance mechanisms, and improving the state's capacity to respond to emerging trends in tobacco and nicotine product use. Importantly, the bill enhances oversight without imposing additional fees on existing license holders, helping ensure that improved surveillance and enforcement can be achieved without unnecessary burden.

For these reasons, the Maryland State Council on Cancer Control urges a favorable report on SB 249.

Sincerely,

A handwritten signature in blue ink, appearing to read "Taofeek Owonikoko".

Taofeek Owonikoko, MD  
Chair  
Maryland State Council on Cancer Control

# **Favorable AHA SB 249 Tobacco Product Licensees - A**

Uploaded by: Laura Hale

Position: FAV



February 1, 2026

Testimony of Laura Hale

American Heart Association

**Favorable SB 249 Tobacco Product Licensees - Additional Licensure for Electronic Smoking Devices**

Dear Chair Beidle, Vice Chair Hayes and Honorable Members of the Finance 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 Senate Bill 249.

Strong retail licensure requirements are a proven way to prevent and limit youth use of tobacco products<sup>1</sup>. By adding the requirement to hold the ESD license will help the Department in getting a stronger sense on what is being sold across the state and help in conducting compliance checks. This will also help in maintaining the checks that are tied to 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.

Places with stronger retail licensure requirements have lower rates of cigarette and e-cigarette use and initiation among both youth and young adults<sup>2</sup>. This bill strengthens the retail licensure 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.

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<sup>1</sup> 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>

<sup>2</sup> 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>

**SB0249-FIN-FAV.pdf**

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**SB0249**

February 5, 2026

**TO:** Members of the Senate Finance Committee

**FROM:** Nina Themelis, Director of Mayor's Office of Government Relations

**RE:** Senate Bill 249 – Tobacco Product Licensees - Additional Licensure for Electronic Smoking Devices

**POSITION: Favorable**

Chair Beidle, Vice Chair Hayes, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** SB 249.

Under current law, retailers wishing to sell electronic smoking devices must obtain a license to do so; however, if the applicant currently holds a Cigarette or Other Tobacco Products (OTP) Wholesale or Manufacturer License, the applicant is not required to apply for an Electronic Smoking Devices (ESDs) License and may sell such products under their existing OTP license. Because of this, it is difficult to quantify the number of retailers selling electronic smoking devices and supplies.

SB 249 will eliminate the reliance on the existing OTP license and will require, at no additional cost, that retailers obtain a separate license for the sale of electronic smoking devices. This will help the Alcohol, Tobacco, and Cannabis Commission – as well as local enforcement agencies, such as the Baltimore City Health Department – to identify where electronic smoking devices are sold. In turn, identifying where electronic smoking devices are sold will enhance the ability to target enforcement efforts against underage sales of electronic smoking devices.

As such, the BCA respectfully requests a **favorable** report on SB 249.

# **SB249 Testimony.pdf**

Uploaded by: Pamela Beidle

Position: FAV

PAMELA G. BEIDLE  
Legislative District 32  
Anne Arundel County



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Chair, Finance Committee

Executive Nominations Committee

Joint Committee on Gaming Oversight

Joint Committee on Management  
of Public Funds

Spending Affordability Committee

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

February 5, 2026

**SB249**  
**Tobacco Product Licensees**  
**Additional Licensure for Electronic Smoking Devices**

Good afternoon, Vice Chair Hayes and Members of the Finance Committee;

Thank you for the opportunity to present Senate Bill 249, Tobacco Product Licensees – Additional Licensure for Electronic Smoking Devices. SB249 **requires** manufacturers, retailers, wholesalers, and importers of Electronic Smoking Devices (ESDs) to obtain product-specific licenses that already exist but are not being widely used. While the bill requires retailers to obtain a license endorsement for each product type sold, it does not create new fees or increase existing fees.

Under current law, businesses with a Cigarette or Other Tobacco Product (OTP) license frequently sell ESDs without a separate license, creating a regulatory gap. According to the ATCC's *Maryland Tobacco Retail Modernization Act Report of 2024*, as of December 31, 2024, Maryland had over 6,000 OTP and cigarette retailers, but only 125 identifiable ESD-specific licenses, making oversight difficult. While requiring retailers of ESDs to obtain the license, there is no additional fee if the retailer already possesses a cigarette and/or an OTP license.

SB249 requires retailers of ESDs to obtain the license, ensuring the ATCC, local health departments, and other partners can accurately identify and regulate ESD retailers in a market dominated by high-nicotine disposable products that remain widely accessible.

Maryland collected approximately \$390.4 million in cigarette excise taxes and \$65.4 million in OTP taxes from wholesale sales in FY2025, while ESDs are not subject to any excise taxes. Rather, ESDs are subject to an enhanced sales tax (20%), which requires collection and reporting by each retailer. However, according to the ATCC's *2025 Retailer Adherence to Maryland Tax Requirements Report*, nearly  $\frac{2}{3}$  of ESD retailers were charging the incorrect tax rate or no tax rate at all. Requiring ESD licensure will strengthen tax compliance oversight by the ATCC and the Comptroller's Office.

SB249 will improve regulatory transparency, strengthen enforcement and public health protections, and provide policymakers with reliable data, without placing unnecessary burdens on retailers, for this reason, I respectfully request a "Favorable Report" for SB 249.



**MVA SB249 FAV.pdf**

Uploaded by: Tyler Bennett

Position: FAV

## **Maryland Vapor Alliance**

### **SB249 Tobacco Product Licensees – Additional Licensure for Electronic Smoking Devices**

#### **FAVORABLE**

The Maryland Vapor Alliance respectfully submits this testimony in **support of Senate Bill 249**.

The Maryland Vapor Alliance represents locally owned vape shops across the State of Maryland. Our members are small business owners who operate brick-and-mortar establishments, employ Maryland residents, and are committed to complying with all state and local laws governing the sale of age-restricted products.

**SB249 makes a necessary and reasonable clarification to Maryland’s licensing framework for electronic smoking devices.** As written, current law allows a tobacco product license holder to sell electronic smoking devices (ESD) without holding an additional ESD-specific license.

After the most recent increase in the tax on electronic smoking devices, our members began to notice that a large number of tobacco/ESD retailers were not imposing the proper tax rates on ESD products. We alerted and met with the ATCC which undertook a robust enforcement action. During these conversations, it became apparent that it was difficult for them to determine the broad scope of ESD retailers, given that the current statute allows OTP license holders to sell ESD products without an additional ESD-specific license. Because the problem of tax non-compliance was more widespread than previously thought, this created a challenge for regulators. We believe SB249 is a common sense solution which would provide the ATCC a more accurate record of ESD retailers throughout the state, allowing them to conduct necessary, targeted enforcement.

Having said that, the MVA believes that this is just the first step in tackling the issue the tax non-compliance. The State of Maryland is missing out on potentially millions of dollars in unpaid taxes, and we would urge the General Assembly to continue to look for solutions to aid enforcement, including mandatory fines for tax non-compliance.

Additionally, SB249 appropriately separates licensure for electronic smoking devices while protecting existing businesses from unnecessary financial burdens by exempting certain license holders from duplicative fees. This balanced approach ensures regulatory clarity without penalizing compliant, responsible retailers who have operated in good faith under the current system.

For these reasons, the Maryland Vapor Alliance **urges the Senate Finance Committee to issue a FAVORABLE report on SB249.**

Thank you for your consideration.

Candice Gott  
[candicedeane@hotmail.com](mailto:candicedeane@hotmail.com)

Tyler Bennett, Compass Advocacy  
[tbennet@compassadvocacy.com](mailto:tbennet@compassadvocacy.com)

# **SB 249 - Tob Prod Lic - Addl Licensure for E-Smok**

Uploaded by: State of Maryland (MD)

Position: INFO



**2026 SESSION  
POSITION PAPER**

**BILL:** SB 249 - Tobacco Product Licensees – Additional Licensure for Electronic Smoking Devices

**COMMITTEE:** Senate Finance Committee

**POSITION:** Letter of Information

**BILL ANALYSIS:** Repeals a provision authorizing a person holding a license relating to cigarettes or other tobacco products to manufacture, distribute, or sell electronic smoking devices (ESDs) in the same capacity as a person holding a license relating to ESDs; exempts the holder from the requirement to pay an additional license fee for the license; etc.

**POSITION RATIONALE:** The Maryland Association of County Health Officers (MACHO) submits this LOI for SB 249. The primary purpose of this bill is to enable the Maryland Alcohol Tobacco and Cannabis Commission (ATCC) to more accurately identify which retailers sell electronic smoking devices (ESDs). Under the current licensing structure, sales of cigarettes and ESDs are authorized under a single license. As a result, the ATCC is unable to distinguish between retailers that sell only cigarettes and those that also sell ESDs.

MACHO supports ATCC’s goal of improving oversight of ESD sales. However, we are concerned that the proposed licensing framework may allow retailers to be cited for repeat violations under one license while continuing to operate under another. This outcome would significantly weaken important enforcement mechanisms designed to prevent the sale of tobacco products to underage customers. Accordingly, we respectfully request that the Finance Committee and the Department of Legislative Services confirm with the ATCC and other subject matter experts that, **in the event of repeat violations for sales of tobacco products to underage customers, regardless of product type (i.e., cigarettes, OTPs, or ESDs)**, the law would allow for the following:

- The ability of the ATCC to take regulatory action against **all** tobacco-related licenses held by a retailer; and
- The ability of local jurisdictions to impose progressive penalties, even when subsequent violations involve products covered under different license categories. For example, if a retailer sells cigarettes to an underage customer and later in the year sells vape products to an underage customer, the latter violation would be treated as a second offense, subject to a \$1,000 fine (the penalty for a second violation) and not a \$500 fine (the penalty for a first violation).

This will provide important clarity for those enforcing these provisions. If SB 249 allows for this enforcement approach, MACHO fully supports ATCC’s goals for this legislation. If not, we are concerned that the bill may allow retailers who repeatedly sell tobacco products to underage customers to continue sales under an alternate tobacco license.

For these reasons, the Maryland Association of County Health Officers submits this LOI for SB 249. For more information, please contact Ruth Maiorana, MACHO Executive Director at [rmaioral@jhu.edu](mailto:rmaioral@jhu.edu) or 410-937-1433. *This communication reflects the position of MACHO.*