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SB 233

February 13, 2020

TO: Members of the Senate Finance Committee

FROM: Nicholas Blendy, Deputy Director, Mayor's Office of Government Relations

RE: Business Regulation – Flavored Tobacco Products - Prohibition

POSITION: SUPPORT

Chair Kelley, Vice-Chair Feldman, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 233. SB 233 would prohibit holders of licenses to manufacture, sell, buy, and store cigarettes, other tobacco products, and electronic smoking devices to manufacture, ship, import, or sell flavored tobacco products.

Tobacco use remains the leading cause of preventable death in the U.S. It is known to cause cancer, heart disease, and respiratory disease, among other health disorders, and costs the U.S. as much as \$170 billion in health care expenditures each year. The Campaign for Tobacco-Free Kids reports that each day, more than 250 kids under the age of 18 become regular, daily smokers and almost one third will eventually die from smoking related illness.¹ In 2017, 8.2 percent of Maryland's high school students responding to the Behavioral Risk Factor Surveillance System (BRFSS) smoked on at least one day in the past 30 days.²

Tobacco use disproportionately affects many marginalized populations including people in low-income communities, racial and ethnic minorities, LGBTQ individuals, and those with mental illness. Research by the "Truth Initiative" shows that more tobacco retailers exist in areas with higher concentrations of Black, Hispanic, and low-income populations and that tobacco companies strategically market to these groups.³

The use of flavors in tobacco and tobacco products is a primary means of attracting new and minority users to said products. Menthol or mint flavors are of particular concern. The Food

¹ "Raising the Tobacco Age To 21," Campaign for Tobacco Free Kids, January 2020

² CDC, Youth Risk Behavior Surveillance System, 2017.

³ "Targetted Communities," Truth Initiative, <https://truthinitiative.org/research-resources/topic/targetted-communities>. Accessed 5 February 2020.

and Drug Administration notes that “the weight of evidence supports the conclusion that menthol in cigarettes is likely associated with increased initiation and progression to regular cigarette smoking.”⁴ Moreover, menthol dulls sensation in certain sensory nerves making tobacco and tobacco products more palatable.⁵ This effect is especially pronounced in the African American community which has a genetic predisposition toward irritation when inhaling smoke or vapors from tobacco and tobacco products.⁶

Additionally, flavored vape fluids used in electronic smoking devices are directly responsible for the proliferation of vaping among youth.⁷ Once more, the BRFSS reported that, in 2017, 13.3 percent of Maryland students used e-cigarettes on at least one day in the past 30 days; a significantly higher number than those that used combustible tobacco products.⁸ Making matters worse, “[s]tudies have found that young people who use e-cigarettes are more likely to become smokers, and many are low-risk youth who would not have otherwise smoked cigarettes.”^{9 10}

Altogether, a flavor ban for tobacco and tobacco products is necessary to prevent the next generation of Marylanders from becoming addicted to nicotine. Through SB 233, Maryland could take its greatest step toward decreasing health disparities and reducing health-related expenditures attributable to premature smoking in decades.

For the forgoing reasons, we respectfully request a **favorable** report on SB 233.

⁴ Food and Drug Administration. Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol Versus Nonmenthol Cigarettes. 2013.

⁵ Ton HT, Smart AE, Aguilar BL, et al. Menthol enhances the desensitization of human alpha3beta4 nicotinic acetylcholine receptors. *Mol Pharmacol* 2015;88(2):256-64 [cited 2018 Jun 12]

⁶ Ibid.

⁷ HHS, E-Cigarette Use Among Youth and Young Adults. 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, 2016.

⁸ CDC, Youth Risk Behavior Surveillance System, 2017.

⁹ “Big Tobacco Is Back with a New Way to Addict Kids.” Campaign for Tobacco-Free Kids, www.tobaccofreekids.org/juul.

¹⁰ “New Report One of Most Comprehensive Studies on Health Effects of E-Cigarettes; Finds That Using E-Cigarettes May Lead Youth to Start Smoking, Adults to Stop Smoking.” National Academies Web Server www8.Nationalacademies.org,

www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=24952&_ga=2.227315540.810940964.1516640363-1933305849.1453397105.