



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 410

DATE: February 13, 2020

SPONSOR: Senators Kramer, Rosapepe, and West

ASSIGNED TO: Finance

CONTACT PERSON: Leslie Frey (leslie.frey@montgomerycountymd.gov)

POSITION: SUPPORT (Department of Health and Human Services)

Electronic Smoking Devices – Flavor Prohibition

This bill prohibits a person from selling an electronic smoking device (ESD) that contains a natural or artificial flavor other than tobacco. A violation is a misdemeanor subject to maximum penalties of a \$1,000 fine and/or 30 days imprisonment. A violator is also subject to disciplinary action by the Comptroller (effective June 1, 2020, the Alcohol and Tobacco Commission (ATC)), as under existing State law.

There is a Montgomery County local bill that has been introduced that would prohibit the sale of flavored ESDs within one mile of a school, library, park, playground, or recreational facility in the County. Senate Bill 410 would make a local law, such as the one proposed in Montgomery County, unnecessary because it would prohibit the sale of such products Statewide. From a public health policy perspective, this is ideal because more Marylanders would be protected from the harmful health effects of flavored tobacco products; from an enforcement perspective, a Statewide prohibition is also ideal because uniformity of which products are available in each jurisdiction reduces confusion and inefficiencies for license holders.

At the federal level, in 2009 Congress banned the sale of most flavored tobacco products with the notable exceptions of menthol flavored cigarettes and non-cigarette tobacco products such as electronic smoking devices and cigars due to the recognition that flavored tobacco products are more appealing to youth than their non-flavored counterparts.¹ Montgomery County Department of Health and Human Services urges the Committee to acknowledge that banning all flavored tobacco products across the State a necessary step towards curbing nicotine addiction in youth and minorities.

¹ Huang L-L, Baker HM, Meernik C, Ranney LM, Richardson A, Goldstein AO. Impact of non-menthol flavours in tobacco products on perceptions and use among youth, young adults and adults: a systematic review. Tobacco control. 2016.