



DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

February 13, 2020

The Honorable Delores G. Kelley, Chair
Senate Finance Committee
3 East Miller Office Building
Annapolis, MD 21401-1991

RE: SB 410 – Electronic Smoking Devices – Flavor Prohibition – Letter of Information

Dear Chair Kelley and Committee Members:

The Maryland Department of Health (MDH) submits this letter of information for Senate Bill 410 (SB 410) entitled “Electronic Smoking Devices – Flavor Prohibition.” SB 410 prohibits businesses licensed to ship, import, or sell electronic smoking devices into or within the state from selling any electronic smoking device containing a natural or artificial flavor other than tobaccos. SB 410 also requires that a person who violates the prohibition is subject to a fine not to exceed \$1,000 or imprisonment not exceeding 30 days.

In 2018, the U.S. Surgeon General declared youth vaping an epidemic, evidenced by a 78 percent increase in current ESD use among high school aged youth between 2017 and 2018.¹ Research indicates that youth are more likely to try flavored ESDs and that youth are unaware that nearly all ESDs contain nicotine.^{2,3} Following a partial ban of fruit flavored ESDs, use of mint and menthol flavors surged between 2018 and 2019.^{4,5} Menthol flavoring has been evidenced as intensifying nicotine dependence and the urge to smoke, making it harder for smokers using menthol to quit.⁶ ESDs are not an FDA-approved cessation device, and use of ESDs may lead to dual use of ESDs and cigarettes with associated health risks.⁷

SB 410 would have a fiscal impact on MDH, requiring a one-time increased expenditure of \$50,390 in Fiscal Year 2020. These funds would be used to produce, print, and mail approximately 7,000 letters to licensed tobacco and ESD retailers statewide as well as update and distribute the toolkit to reflect changes to current laws and practices.

If you have any further questions, please contact Director of Governmental Affairs Webster Ye, at (410) 260-3190 or webster.ye@maryland.gov.

Sincerely,

Robert R. Neall
Secretary

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- ¹ <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>
- ² Willett JG, Bennett M, Hair EC, *et al* Recognition, use and perceptions of JUUL among youth and young adults *Tobacco Control* 2019;28:115-116. <https://tobaccocontrol.bmj.com/content/28/1/115.info>.
- ³ Kristy L. Marynak, Doris G. Gammon, Todd Rogers, Ellen M. Coats, Tushar Singh, and Brian A. King, 2017: [Sales of Nicotine-Containing Electronic Cigarette Products: United States, 2015](https://doi.org/10.2105/AJPH.2017.303660) *Am J Public Health* 107, 702_705, <https://doi.org/10.2105/AJPH.2017.303660>.
- ⁴ Schneller LM, Bansal-Travers M, Goniewicz ML, McIntosh S, Ossip D, O'Connor RJ. Use of Flavored E-Cigarettes and the Type of E-Cigarette Devices Used among Adults and Youth in the US-Results from Wave 3 of the Population Assessment of Tobacco and Health Study (2015-2016). *Int J Environ Res Public Health*. 2019;16(16):2991. Published 2019 Aug 20. doi:10.3390/ijerph16162991 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6720922/>.
- ⁵ <https://www.fda.gov/news-events/press-announcements/trump-administration-combating-epidemic-youth-e-cigarette-use-plan-clear-market-unauthorized-non>, retrieved 3January 2019.
- ⁶ Ahijevych, K and BE Garrett, The role of menthol in cigarettes as a reinforcer of smoking behavior. *Nicotine Tob Res*, 2010 12 Suppl 2:p S110-6. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3636955/>.
- ⁷ Dharma N. Bhatta, PhD, MPH; Stanton A. Glantz, PhD Electronic Cigarette Use and Myocardial Infarction Among Adults in the US Population Assessment of Tobacco and Health *J Am Heart Assoc*. 2019;8:e012317. DOI: 10.1161/JAHA.119.012317.