



February 13, 2020

TO: The Honorable Delores G. Kelley, Chair
The Honorable Brian J. Feldman, Vice Chair
Members of the Senate Finance Committee
3 East
Miller Senate Office Building
Annapolis, MD 21401

FROM: Jocelyn Collins, Maryland and DC Government Relations Director
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SUBJECT: SB 410 Electronic Smoking Devices—Flavors Prohibition

POSITION: OPPOSE

The American Cancer Society Cancer Action Network (ACS CAN) is the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society. We support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. On behalf of our constituents, many of whom have been personally affected by cancer, we stand in opposition of **SB 410 Electronic Smoking Devices—Flavors Prohibition**.

The dangers of flavored tobacco do not start and end with e-cigarettes. 95% of smokers begin before the age of 21. Right here in Maryland, 18.2% of adults use any tobacco product, including 12.5% who use cigarettes.¹ While 5.0% of Maryland high school students smoke cigarettes, 6.0% smoke cigars, 4.6% use smokeless tobacco, and 23% use electronic smoking devices.² We know that most current smokers were enticed to begin this deadly addiction as youth, and most report beginning with a flavor.

As a result of targeted marketing, the sale of menthol cigarettes has steadily increased, especially among young people and new smokers. Menthol makes it easier to start smoking by masking the harshness of tobacco smoke. As a result, over half of youth smokers use menthol cigarettes; among African American youth smokers, seven out of ten use menthol cigarettes. In addition, there are now over 250 different cigar flavors, and cigars surpass cigarettes in popularity among high school boys nationwide.

¹ Maryland Department of Health. BRFS 2018. Unpublished. Local Health Department Tobacco Control Meeting, November 21, 2019.
² Maryland Department of Health. YRBS/YTS 2019. Unpublished. Local Health Department Tobacco Control Meeting, November 21, 2019.

In addition to youth, African American, LatinX, and LGBTQ communities have been heavily targeted with menthol cigarette marketing. Quitting menthol cigarettes is particularly difficult, so those who initiate with menthol are more likely to become addicted and less likely to quit. Leaving menthol cigarettes in our communities is a matter of social justice and leaves those already most impacted by health disparities vulnerable to the aggressive marketing of the tobacco industry.

The 2020 Surgeon General *Smoking Cessation: A Report of the Surgeon General* released on January 23, 2020 noted that an “endgame” strategy that could further bolster tobacco cessation would be to **restrict the sale of flavored tobacco products, including menthol.**³

While we deeply appreciate the Sponsor’s commitment to resolve the growing epidemic of e-cigarette use among our youth, we need to be taking a comprehensive approach and end the sale of all flavored tobacco products, including flavored cigars, menthol cigarettes, hookah, and smokeless tobacco. Therefore, we ask the committee to give SB 410 an “unfavorable” committee report, and support *SB 233 Business Regulation-Flavored Tobacco Products-Prohibition*.

Cities across the country have already acted to restrict the sale of all flavored tobacco products. Over 80 localities in California, Colorado, Minnesota, Massachusetts and New York, and the State of Massachusetts have done so. And many other communities and states are currently considering similar proposals. It’s now Maryland’s turn!

Again, I strongly urge you to protect youth from all flavored tobacco products, including flavored cigars, menthol cigarettes, hookah, and smokeless tobacco. Vote “unfavorably” for SB 410, and “favorably” for SB 233.

Thank you.













Sincerely,

Jocelyn Collins
Maryland and DC Government Relations Director
American Cancer Society Cancer Action Network

³ U.S Department of Health and Human Services (HHS). *Smoking Cessation: A Report of the Surgeon General- Executive Summary*. Rockville, MD. U. S. Department of Health and Human Services, Public Health Service, Office of the Surgeon General; 2020. Available at <https://www.hhs.gov/sites/default/files/2020-cessation-sgr-executive-summary.pdf>.

Support HB 3/SB 233

The Only Comprehensive Legislation That Protects Kids and Communities of Color from Tobacco Addiction

| | Includes ALL flavored tobacco products | Prohibits manufacture, shipment, import, and sale of flavored tobacco products | Holds retailers liable for selling or offering flavored tobacco products | Prevents new flavored tobacco products from entering the market |
|--|---|---|---|--|
| HB 3/SB 233 (Del. Davis & AG Frosh) |  Covers all flavored tobacco products, including but not limited to e-cigarettes, menthol cigarettes, flavored cigars, hookah, and flavored smokeless tobacco |  A violation is a misdemeanor punishable by maximum penalties of a \$1,000 fine and/or 30- day imprisonment. This includes online sales |  A violation is a misdemeanor punishable by maximum penalties of a \$1,000 fine and/or 30- day imprisonment |  Banning all flavored products will stop new products that circumvent current regulations from reaching Maryland kids |
| SB 410 (Sen. Kramer) |  Covers only flavored electronic smoking devices (e-cigarettes) that come in “artificial or natural flavors”. Allows the sale of flavored tobacco products kids prefer, like menthol cigarettes * |  Prohibits the sale of certain flavored electronic smoking devices in the state. It does not address manufacture, shipment or import |  A violation is a misdemeanor punishable by maximum penalties of a \$1,000 fine and/or 30- day imprisonment |  Addresses only a portion of the flavors and products on the market (e-cigarettes). Would not prevent new products that target regulatory loopholes from reaching kids |
| SB 54 (Sen. Lam) |  Covers only flavored e-cigarettes that come in ‘artificial or natural flavors’. Allows the sale of other flavored tobacco products that kids prefer, like menthol cigarettes * |  Prohibits the sale, manufacture, shipment, import, or sale of some flavored e-cigarette products |  Does not have a fine enforcement structure; leaves it to the comptroller’s discretion |  Addresses a portion of the flavors and products on the market (e-cigarettes). Would not prevent new products that target regulatory loopholes from reaching kids |

* More than half (54%) of all youth smokers ages 12-17 use menthol cigarettes