



Thomas A. Schatz, *President*
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February 10, 2021

The Honorable Dereck E. Davis
Chairman
Maryland House Economic Matters Committee
House Office Building, 6 Bladen St.
Annapolis, MD 21401

Dear Chairman Davis,

On behalf of the 30,734 members and supporters of the Council for Citizens Against Government Waste (CCAGW) in Maryland, I urge you to oppose [HB 134](#). The legislation would ban flavored vaping products from being sold in the state.

HB 134 will not prevent Marylanders from using vaping devices. They will purchase these items in neighboring states, on the internet, or on the black market in Maryland. In 2020, Maryland [attempted](#) to implement a flavor ban for vaping products, but it faced strong opposition and died in committee.

Before Maryland jumps on board the anti-flavor train, the state should carefully examine what happened in Massachusetts, which became the [first state](#) to permanently ban the sale of all flavored tobacco products. According to a [study](#) by the New England Convenience Store and Energy Marketers Association (NECSEMA), lost excise tax income in Massachusetts from selling fewer menthol cigarettes alone amounted to \$62 million in the first six months of the ban. Massachusetts' loss became its neighboring states' gain, which is likely to happen to Maryland if the state implements a flavor ban for vaping products.

Cigarettes excise tax stamp sales dropped by 23.9 percent in Massachusetts while New Hampshire's excise tax stamp income increased by 29.7 percent and Rhode Island's increased by 18.2 percent. The estimated total Massachusetts loss including the sales tax was \$73,008,000.

In Maryland, it is [expected](#) that revenue loss will be \$11.8 million by the end of 2021 and by \$73.3 million by 2025. The general fund expenditures for Maryland Department of Health are expected to increase by around \$50,390 in 2021 but only for educational materials. That figure seems unlikely since most new government programs cost far more than anticipated. The fiscal note also anticipates that general fund expenditures will increase further as a result of the incarceration penalty, but that amount is expected to be minimal.

The major impetus for flavor bans has been the outbreak of e-cigarette or vaping use-associated lung injury (EVALI) across the nation. [According](#) to the Centers for Disease Control and Prevention, vitamin E acetate, an additive in some tetrahydrocannabinol-containing e-cigarettes, was the cause of these injuries. They were found in products obtained from "friends, family, or in-person or online dealers." In other words, these products were obtained by illicit means.

Flavored e-cigarettes became pariahs, as many thought they were the cause of the lung injuries. But flavor bans are particularly injurious to individuals that use vaping, or other electronic cigarettes, to [wean](#) themselves off harmful combustible cigarettes. It is the burning of tobacco that releases the harmful chemicals that cause lung and heart disease and cancer. Public Health England [argued](#) that alternative nicotine delivery devices, like vaping, are “less harmful and could play a crucial role in reducing” smoking which “remains the biggest single cause of preventable death and disease.”

Implementing additional bans on legal products will encourage more illicit behavior. Black markets will flourish as unscrupulous actors will purchase products in ban-free states and sell them illegally in the states that have banned these products. And China, which [grows](#) the most tobacco in the world, will not be shy in producing these products for the black market. For example, China is the [primary](#) source for fentanyl trafficked into the United States.

While the major [stated purpose](#) of the ban is to stop youth from vaping, it is already illegal for anyone under 21 to purchase any tobacco products. The best way to stop youth from utilizing cigarettes or any tobacco product is parental oversight and continued education on the harm they can cause. Banning flavors will just hurt people who want to use less harmful tobacco products to stop smoking. Maryland should not emulate Massachusetts’ unsuccessful ban on flavored tobacco products.

Again, I urge you to vote against HB 134.

Sincerely,

A handwritten signature in black ink that reads "Thomas Schatz". The signature is written in a cursive style and is contained within a thin black rectangular border.

cc: Members of the House Economic Matters Committee