



Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc
2101 East Jefferson Street
Rockville, Maryland 20852

February 10, 2021

The Honorable Dereck E. Davis
Economic Matters Committee
House Office Building Room 231
6 Bladen Street
Annapolis, Maryland 21401

RE: HB 134 – Support

Dear Chair Davis and Members of the Committee:

Kaiser Permanente supports HB 134, “Business Regulation – Flavored Tobacco Products – Prohibition.”

Kaiser Permanente is the largest private integrated health care delivery system in the United States, delivering health care to over 12 million members in eight states and the District of Columbia.¹ Kaiser Permanente of the Mid-Atlantic States, which operates in Maryland, provides and coordinates complete health care services for approximately 775,000 members. In Maryland, we deliver care to over 450,000 members.

Kaiser Permanente supports removing flavored tobacco products from state markets, including flavored e-cigarettes, as we view flavored tobacco as a threat to public health. As described below, we are particularly concerned about the availability and appeal of flavored tobacco products to youth and we believe HB 134 is a significant step in restricting access to these dangerous products.

Flavored tobacco products addict our children early and for a lifetime. In a recent survey, 70.3 percent of youth e-cigarette users cited appealing flavors as the primary reason for use.² One of the most serious health effects of these products is nicotine addiction, which can lead to prolonged smoking, cardiovascular issues, and early death. The younger youth are when they start consuming nicotine, the more likely they will become addicted.³

¹ Kaiser Permanente comprises Kaiser Foundation Health Plan, Inc., the nation’s largest not-for-profit health plan, and its health plan subsidiaries outside California and Hawaii; the not-for-profit Kaiser Foundation Hospitals, which operates 39 hospitals and over 650 other clinical facilities; and the Permanente Medical Groups, self-governed physician group practices that exclusively contract with Kaiser Foundation Health Plan and its health plan subsidiaries to meet the health needs of Kaiser Permanente’s members.

² FDA, “Modifications to Compliance Policy for Certain Deemed Products: Guidance for Industry, Draft Guidance,” March 13, 2019, <https://www.fda.gov/media/121384/download>.

³ 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, *Preventing Tobacco Use Among Youths, Surgeon General fact sheet*, 2012. Accessible at: <https://www.hhs.gov/surgeongeneral/reports-and-publications/tobacco/preventing-youth-tobacco-use-factsheet/index.html>; U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Office of the Surgeon General, *Know the Risks: E-cigarettes & Young People*, 2016. Accessible at: https://e-cigarettes.surgeongeneral.gov/documents/2016_SGR_ECig_FAQ_508.pdf

Flavored tobacco products are recognized as “starter” products and may be linked to long-term nicotine addiction.⁴ The health consequences of e-cigarette use (flavored or not) by children may be substantial. A 2016 Surgeon General’s report concluded that youth use of nicotine in any form, including e-cigarettes, is unsafe, causes addiction, and can harm adolescent brain development, which impacts attention, memory, and learning. E-cigarettes can also expose users to harmful and carcinogenic chemicals such as formaldehyde and lead.

Flavored tobacco is extremely prevalent in e-cigarettes, and youth e-cigarette use in the United States has skyrocketed to what the U.S. Surgeon General and the Food and Drug Administration have called “epidemic” levels. Data from the Centers for Disease Control and Prevention shows a significant growth in e-cigarette use by youth in the United States. From 2017 to 2018, e-cigarette use increased 78 percent among high school students and 48 percent among middle school students.⁵ Youth are not just experimenting with e-cigarettes but are using them frequently. More than a quarter of high school e-cigarette users are frequent users, using e-cigarettes on at least 20 of the preceding 30 days.⁶ Alarming, one in nine of *all* high school seniors report that they vaped nicotine nearly daily, a strong indicator of addiction.⁷

With HB 134, the Maryland legislature is taking an important step to address this public health threat. Prohibiting the sale of flavored tobacco products will restrict access to the starter nicotine product for many Maryland youth. Maryland will join a growing number of states, cities and counties prohibiting the sale of flavored tobacco products and ensuring the health and safety of its citizens. Kaiser Permanente supports HB 134 because it is consistent with our policies that encourage our 12 million members and the public to avoid use of tobacco products. Prohibiting the sale of flavored tobacco is a positive step to preventing another generation of young people from living with a lifetime of addiction.

Thank you for the opportunity to comment. Please feel free to contact Allison Taylor at Allison.W.Taylor@kp.org or (202) 924-7496 with questions.

Sincerely,



Allison Taylor
Director of Government Relations
Kaiser Foundation Health Plan of Mid-Atlantic States, Inc.

⁴ National Academies of Sciences, Engineering, and Medicine, *Public Health Consequences of E- cigarettes*, 2018. Available at: <https://doi.org/10.17226/24952>.

⁵ Karen A. Cullen, Bridget K. Ambrose, Andrea S. Gentzke, et al., “Notes from the Field: Increase in use of electronic cigarettes and any tobacco product among middle and high school students — United States, 2011–2018,” *MMWR Morbid Mortal Wkly Rep.*, 67(45), 1276–1277, Nov. 16, 2018. Accessible at: <https://www.cdc.gov/mmwr/volumes/67/wr/mm6745a5.htm>.

⁶ Centers for Disease Control and Prevention (CDC), “Use of Electronic Cigarettes and Any Tobacco Product Among Middle and High School Students—United States, 2011–2018,” *Morbidity and Mortality Weekly Report (MMWR)*, 67(45): 1276–1277. https://www.cdc.gov/mmwr/volumes/67/wr/mm6745a5.htm?s_cid=mm6745a5_w.

⁷ Miech, R, et al., “Trends in Adolescent Vaping, 2017–2019,” *New England Journal of Medicine*, published online September 18, 2019.