



Montgomery County

Office of Intergovernmental Relations

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HB 134

DATE: February 8, 2021

SPONSOR: Delegate J. Lewis

ASSIGNED TO: Economic Matters & Health and Government Operations

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POSITION: SUPPORT

Business Regulation - Flavored Tobacco Products – Prohibition

House Bill 134 prohibits any tobacco-related license holder from manufacturing, shipping, importing, or selling a flavored tobacco product, including all electronic smoking devices and menthol cigarettes. A violation of the prohibition on flavored tobacco products by a license holder is a misdemeanor punishable by a fine of \$1,000 and up to 30 days imprisonment.

Montgomery County has a local prohibition on the sale of flavored electronic smoking devices within one mile of a school, library, park, playground, or recreational facility in the County.¹ House Bill 134 would expand this policy in terms of the scope of prohibition (the bill prohibits the sale anywhere, not just in proximity to schools, etc.) and to all counties within the State. 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 state-wide 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.² In 2020, the FDA announced prioritization of enforcement of the prohibition on the sale of “closed system” flavored electronic smoking devices, such as JUUL and blu.³ House Bill 134 would build on this action by the FDA to prohibit “open system” flavored electronic smoking devices, such as those sold in vape shops.

Montgomery County urges the Committee to acknowledge that banning all flavored tobacco products across the state is a necessary step towards curbing the harmful effects of nicotine addiction in youth and minorities and issue a favorable report.

¹ https://apps.montgomerycountymd.gov/ccllims/DownloadFilePage?FileName=2625_1_10572_Bill_29-19_Signed_20200403.pdf

² 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.

³ <https://www.fda.gov/news-events/press-announcements/fda-finalizes-enforcement-policy-unauthorized-flavored-cartridge-based-e-cigarettes-appeal-children>