



February 10, 2021

The Honorable Dereck E. Davis
Chair, Economic Matters
Room 231 House Office Building
Annapolis, MD 21401

RE: House Bill 134 - Business Regulation – Flavored Tobacco Products – Prohibitions – Letter of Support

Dear Chair Davis:

The Maryland State Council on Cancer Control (the Council) is submitting this letter of support for House Bill 134 (HB 134), titled: “Business Regulation – Flavored Tobacco Products – Prohibition.” HB 134 is an emergency bill that seeks to prohibit businesses currently licensed to manufacture, sell, buy, and store tobacco products from manufacturing, shipping, importing, or selling any flavored tobacco products. Noted products include cigarettes, other tobacco products, and electronic smoking devices (ESDs). HB 134 also provides for the prohibition of flavored tobacco products in vending machines as well as online.

The Council supports HB 134 as introduced and recognizes it as an important public health initiative. The bill would aid in advancing the Council’s mission to reduce and control cancer incidence, mortality, and morbidity statewide. Flavoring in tobacco products, including ESDs, little cigars/cigarillos, hookah, and smokeless tobacco, makes these products attractive to youth and promote initiation. Additionally, many youth falsely believe flavored tobacco products are less harmful than unflavored products and/or that flavored products do not contain nicotine.^{1,2} The widespread availability of flavored tobacco products has desensitized youth to their severe potential for harm. By eliminating all flavored tobacco products, including candy and fruit-flavors as well as mint and menthol, HB 134 will help to reduce the number of young people who initiate tobacco use, thereby preventing future tobacco-related cancers.

The Council supports the following statements as they relate to passage of HB 134:

- All tobacco products, including ESDs, are unsafe for youth and carry health risks.
- ESDs emit an aerosol that contains small droplets of liquid nicotine and chemicals, which have been linked to DNA damage and pre-cancerous changes in animal studies.³
- Youth ESD users may be more likely to become conventional cigarette smokers,⁴ exposing them to the carcinogens and chemicals found in cigarettes.
- Most combustible tobacco products (cigars and cigarillos) contain the same toxic chemicals as cigarettes. Smokeless tobacco use is linked to an increase in oral cancers.

¹ Ghosh A et al. Flavored little cigar smoke induces cytotoxicity and apoptosis in airway epithelia. *Cell Death Discov.* 2017; 3: 17019.

Published online 2017 Apr 24. doi: [10.1038/cddiscovery.2017.19](https://doi.org/10.1038/cddiscovery.2017.19).

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. <http://dx.doi.org/10.1136/tobaccocontrol-2018-054273>.

³ Tang MS et al. Electronic-cigarette smoke induces lung adenocarcinoma and bladder urothelial hyperplasia in mice. *Proc Natl Acad Sci U S A.* 2019 Oct 22;116(43):21727-21731. doi: 10.1073/pnas.1911321116.

⁴ Barrington-Trimis 2016 E-Cigarettes and Future Cigarette Use *Pediatrics*.138(1) Accessed 15 February 2019 at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4925085/>.

- A newly-released 2020 U.S. Surgeon General's Report states that quitting smoking reduces the risk of 12 different types of cancers, as well as reduces the risk of death among those with cancer and cancer survivors.⁵
- Flavored tobacco products, specifically menthol, as well as little cigars/cigarillos are marketed and sold disproportionately and are more prevalent in low-income and African American neighborhoods.⁶
- Despite lower smoking rates, African Americans die from lung and bronchus cancers at similar rates to Whites. This health disparity is thought to result from high menthol cigarette use in African American communities.⁷
- Flavors such as menthol can make quitting tobacco products more difficult.⁸ Flavor bans that exempt mint and menthol are expected to further increase youth use of these products.^{9,10}
- Lung cancer is the leading cause of cancer death for both Maryland women and men.¹¹ In 2018, over 300,000 adults in Maryland reported having had any cancer (other than skin cancer), and more than half were former or current smokers.¹² Although smoking rates are declining, nearly 25 percent of all cancer deaths reported in Maryland in 2016 were caused by lung cancer.¹³
- Delaying the age when youth and young adults initiate tobacco use can reduce the risk that they transition to regular or daily tobacco use, and can increase chances for regular users to quit successfully.¹⁴

For the aforementioned reasons, the Council urges this Committee to vote favorably on HB 134. This comprehensive approach will make tobacco products less attractive and help prevent young people from initiating tobacco use, thereby reducing cancer and saving lives.

Sincerely,



Kevin Cullen, MD
Chair, Maryland State Council on Cancer Control

⁵ U.S. Department of Health and Human Services. *Smoking Cessation: A Report of the Surgeon General—Executive Summary*. Atlanta, GA: 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, 2020. <https://www.hhs.gov/sites/default/files/2020-cessation-sgr-executive-summary.pdf>.

⁶ Lee JGL A Systematic Review of Neighborhood Disparities in Point-of-Sale Tobacco Marketing. Sept 2015 *Amer J Pub Health* 105 e8_e18. <https://www.ncbi.nlm.nih.gov/pubmed/26180986>.

⁷ Tobacco Products Scientific Advisory Committee. (2011). "Menthol cigarettes and public health: review of the scientific evidence and recommendations." US Food and Drug Administration.

⁸ Leventhal AM, Miech R, Barrington-Trimis J, Johnston LD, O'Malley PM, Patrick ME. Flavors of e-Cigarettes Used by Youths in the United States. *JAMA*. 2019;322(21):2132–2134. doi:<https://doi.org/10.1001/jama.2019.17968>.

⁹ Institute for Global Tobacco Control. State of the Evidence: Flavored Tobacco Product Bans or Restrictions. January 2020. Available at: <https://globaltobaccocontrol.org/resources/flavorreportsummary>.

¹⁰ Levy, DT et al. Quit attempts and quit rates among menthol and nonmenthol smokers in the United States. *Am J Public Health*, 2011. 101(7): pg 1241-7. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3110228/>.

¹¹ 2019 Cancer Data. Cigarette Restitution Fund Program. Cancer Prevention, Education, Screening and Treatment Program. Maryland Department of Health. Accessed 2 January 2020 at https://phpa.health.maryland.gov/cancer/SiteAssets/Pages/surv_data-reports/2019%20CRF%20Cancer%20Report.pdf.

¹² 2018 Maryland Behavioral Risk Factor Surveillance Survey, unpublished data, retrieved 23 January 2020.

¹³ 2019 Cancer Data. Cigarette Restitution Fund Program. Cancer Prevention, Education, Screening and Treatment Program. Maryland Department of Health. Accessed 2 January 2020 at https://phpa.health.maryland.gov/cancer/SiteAssets/Pages/surv_data-reports/2019%20CRF%20Cancer%20Report.pdf.

¹⁴ Klein H et al. 2013 Initial Smoking Experiences and Current Smoking Behaviors and Perceptions among Current Smokers, Accessed 15 February 2018 at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4008393/>.