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Written Testimony Submitted for the Record to the
House of Delegates
Economic Matters Committee
Business Regulation – Flavored Tobacco Products – Prohibition (HB 134)

February 8, 2021

FAVORABLE

I am writing to support HB 134 - “Business Regulation - Flavored Tobacco Products – Prohibition.” I appreciate the Committee for giving this issue the time and consideration it deserves in spite of current fiscal concerns. I encourage you to pass a clean bill that protects our children and communities from a toxic product that kills approximately 7,500 people in Maryland each year and is actively ensnaring a new generation of kids.

The Center for Disease Control (CDC) reports that as of January 21, 2020, there have been 2,711 hospitalizations or deaths in the United States and its territories due to e-cigarette, or vaping, product use. The Maryland Department of Health (MDH) identified more than 50 individuals who developed severe lung illness after using e-cigarettes during the period of August through December 2019. MDH recommends refraining from use of all e-cigarettes and vaping products.

While the long-term effects of vaping are unknown, according to the CDC, the use of e-cigarettes is unsafe for kids, teens, and young adults. Most e-cigarettes contain nicotine. The U.S. Surgeon General reported nicotine is highly addictive and can harm adolescent brain development, which continues until about age 25. E-cigarettes can contain other harmful substances besides nicotine. Young people who use e-cigarettes may be more likely to smoke cigarettes or use other drugs in the future.

Most e-cigarettes contain nicotine, the addictive drug in regular cigarettes, cigars, and other tobacco products. A recent CDC study found that 99% of the e-cigarettes sold in the United States contained nicotine. Some e-cigarette labels do not disclose that they contain nicotine, and some e-cigarettes misrepresent their nicotine content.

Using nicotine in adolescence can harm the parts of the brain that control attention, learning, mood, and impulse control. Each time a new memory is created or a new skill is learned,

stronger connections or synapses are built between brain cells. Young people’s brains build synapses faster than adult brains, and nicotine changes the way these synapses are formed.

Scientists are still learning about the long-term health effects of e-cigarettes. Some of the ingredients in e-cigarette aerosol could also be harmful to the lungs in the long-term. For example, some e-cigarette flavorings may be safe to eat, but not to inhale because the digestive system can process more substances than the lungs. Additionally, children and adults have been poisoned by swallowing, breathing, or absorbing e-cigarette liquid through their skin or eyes. CDC data indicates approximately 50% of calls nationwide to poison control centers for e-cigarettes are for kids 5 years of age or younger.

Moreover, defective e-cigarette batteries have caused fires and explosions, resulting in serious injuries.

The tremendous, negative public health effects of flavored tobacco products on young people and minority populations have been known for some time. The Family Smoking Prevention and Tobacco Control Act (the “Tobacco Control Act”), enacted in 2009, prohibited the sale of most flavored cigarettes, but the flavor ban did not extend to menthol flavored cigarettes or to any flavored non-cigarette tobacco products such as cigars, hookahs, and e-cigarettes. Studies demonstrate, however, that flavored tobacco products, particularly menthol cigarettes, are used at disproportionately higher rates by racial and ethnic minority smokers, LGBTQ smokers, and teen smokers. The rapid rise in youth use of flavored e-cigarettes and the recent epidemic of vaping-related lung injuries have heightened awareness and concern.

Big Tobacco has targeted and exploited our communities long enough. After a long history of leading Marylanders into lifelong struggles with addiction and health issues. They are now using flavored products to target youth through advertising in print and digital media including social media platforms. There are over 15,000 flavored tobacco products including mint or menthol, gummy bear, cotton candy, and many others on the market. Flavors like “Pop Tartz” and strawberry shortcake are readily available through a variety of products that are highly attractive to children.

The most popular product tends to be electronic smoking devices known as e-cigarettes or vapes. This product delivers massive doses of nicotine through a product that tastes good and is easy to inhale. Statistics indicate 80% of young people who have ever used tobacco started with a flavored product, and 23% of Maryland high school students currently use e-cigarettes (a rate 5 times higher than adults). Even though current law restricts the age to purchase tobacco products, children are still getting them.

Currently, hundreds of e-cigarette brands are available in thousands of kid-friendly flavors. Sales of flavored cigars increased by nearly 50% since 2008, and now comprise a majority of the cigar market. Flavorings in tobacco products make them more appealing to young people, masking the harshness of cigarette smoke and nicotine. Over 80% of young people who use tobacco products report starting with a flavored product. And, flavors such as menthol can make quitting tobacco products more difficult.

In 2018, the Surgeon General declared youth vaping an epidemic and a serious public health concern due in part to the availability of kid-friendly flavors. According to the recent National Youth Tobacco survey, the use of e-cigarettes among high school students continues to rise – from 20.8% in 2018 to 27.5% in 2019. On September 11, 2019, the White House announced plans to act to ban flavored e-cigarettes, including menthol flavored products, and the U.S. Food and Drug Administration will reportedly develop guidelines to prohibit all e-cigarette flavors, excluding tobacco flavor.

We are well aware of the targeting of Black and Brown communities through menthol cigarette advertising, product discounts, and giveaways. As a result, the amount of African-American menthol smokers jumped from 5% in 1952 to about 85% today. Menthol and other flavors mask the harsh taste of tobacco, making it easier for people to smoke. It reduces irritation, which allows people to inhale larger amounts deeper and longer, increasing nicotine intake and tobacco's addictive qualities.

Black and Brown people are more susceptible to addiction because nicotine is stored in tissues that contain melanin, the substance that gives color to our skin. The darker a person's skin, the more nicotine is stored in the body. This has led to a devastating and disproportionate burden of suffering in Black and Brown communities.

I am especially concerned about the effects of flavored tobacco products in light of the current pandemic. We are aware that the symptoms of COVID-19 include but are not limited to cough, shortness of breath or difficulty breathing, loss of taste or smell, sore throat, congestion or runny nose, and nausea or vomiting. Interestingly, the use of flavored tobacco products results in many of the same side effects, with the addition of cancer. The world is currently at war with the coronavirus, while flavored tobacco products have caused the same health concerns for generations. According to the World Health Organization, because COVID-19 primarily affects the lungs, smoking, which impairs lung function, makes it harder for the body to fight off coronaviruses and other diseases. Doctors at the Mayo Clinic say the social behavior of smoking and vaping can increase the risk of spreading COVID-19, as people who smoke or vape oftentimes do so in groups. Consequently, I wonder why prohibiting the sale of flavored tobacco products is such a controversial issue.

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The Maryland Center of Economic Policy reports prohibiting flavored tobacco products would substantially benefit public health and is consistent with fiscal responsibility. In conjunction with the 2020 tobacco tax legislation, prohibiting flavored tobacco would create an estimated additional \$41 million in state revenue and significant health care savings in the State's share of Medicaid funding. John Hopkins University estimates flavored tobacco products account for no more than 1,093 low-wage jobs (only about 0.4% of retail jobs), which does not offer much improvement to the State's tax base.

From my perspective, the benefits of prohibiting flavored tobacco products in Maryland are far too great to be ignored. The health of our residents, especially our children, demand this legislative action. I urge a favorable report of HB 134.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Moissette I. Sweat".

Moissette I. Sweat, Esquire