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TO: The Honorable Delores G. Kelley, Chair
The Honorable Guy Guzzone, Chair
Members, Senate Finance Committee
Members, Senate Budget and Taxation Committee
The Honorable Mary Washington

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman

DATE: January 28, 2021

RE: **SUPPORT** – Senate Bill 233 – *Business Regulation – Flavored Tobacco Products – Prohibition*

On behalf of the Maryland State Medical Society and the Maryland Chapter of the American Academy of Pediatrics, we **support** Senate Bill 177.

Senate Bill 177 generally prohibits the sale of flavored tobacco into or within the State. Smoking is the leading cause of preventable death in the United States, causing nearly half a million deaths each year, including more than 41,000 deaths caused by secondhand smoke.¹ More than 16 million people live with disease caused by smoking, such as cancer, heart disease, stroke, lung diseases, diabetes and chronic obstructive pulmonary disease.² Nicotine can slow brain development in youth, particularly in the areas of impulse control, attention span and the ability to learn. It can also prime the brain for further addiction to other drugs.

Prohibiting flavorings for all products is likely to reduce tobacco use, especially among young people. Candy and fruit flavored products are particularly attractive to young people because sweet or minty flavors are often perceived to be safer though they have the same or worse health effects as other tobacco products. According to findings from the American Society of Clinical Oncology (ASCO)'s third annual National Cancer Opinion Survey, nearly one in four young adults believes the products are harmless and not addictive. The ASCO survey also found that nearly three in 10 young adults think flavored e-cigarettes are less damaging to a person's health than non-flavored ones.

Recently, the Centers for Disease Control and Prevention reported that 27.5 percent of high school

¹ Centers for Disease Control and Prevention, Smoking and Tobacco Use: Fast Facts, available at https://www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/index.htm

² *Id.*

students, and 10.5 percent of middle school students report using e-cigarettes in the past month.³ Among high school students use of mint or menthol flavored e-cigarettes is increasing, from 16 percent in 2016 to 57 percent in 2019.⁴ Eighty-one percent of youths who have ever used combustible tobacco products started with a flavored product, and young people cite flavoring as a major reason for their current use of tobacco products.⁵ Moreover, menthol cigarettes are disproportionately favored by youth cigarette users: 54 percent of smokers age 12-17 use menthol cigarettes compared with less than one-third of smokers ages 35 and older.⁶ Among African American youth, menthol use is even higher: seven out of ten African American youth smokers use mentholated cigarettes.⁷

Passage of Senate Bill 177 will help prevent young people from becoming smokers and reflects Maryland's historical commitment to reducing tobacco use and the associated health consequences. A favorable report is requested for all three bills.

For more information call:

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³ Teresa Wang, Andrea Gentzke, MeLisa Creamer, et al., Centers for Disease Control and Prevention, Tobacco Product Use and Associated Factors Among Middle and High School Students – United States, 2019, 68 MMWR Surveillance Summaries 12, 1-22 (Dec. 6, 2019).

⁴ Karen Cullen, Andrea Gentzke, Michael Sawdey, et al., *e-Cigarette Use Among Youth in the United States, 2019*, 322 JAMA 21, 2095-2103 (Nov. 2019).

⁵ Bridget Ambrose, Hannah Day, Brian Rostron, et al., *Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014*, 314 JAMA 17, 1871-73 (Nov. 2015).

⁶ Andrea Villanti, et al., *Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014*, Tobacco Control (Oct. 2016).

⁷ *Id.*