



**General Assembly of Maryland
Senate Finance Committee, and Budget and Taxation Committee
Business Regulation - Flavored Tobacco Products – Prohibition, SB117
(Hearing Date January 28, 2021)**

Dear Chairperson and Members of the Committee:

Thank you for the opportunity to submit testimony regarding Senate Bill 177 (SB177), the Business Regulation - Flavored Tobacco Products – Prohibition Act. The American Consumer Institute is a non-profit, non-partisan research and educational institute with the mission to identify, analyze, and project the interests of consumers in selected legislative and rulemaking proceedings in matters that affect the consumers.

It is our assessment that SB177 if enacted, would significantly harm consumer welfare and lead to avoidable negative health outcomes. The bill would ban the manufacture, importation, and sale of flavored tobacco products in the state of Maryland. Included in this prohibition would be flavored vapor products that are used in electronic cigarettes. This proscription would be particularly harmful to Maryland’s consumers because it would prevent those trying to stop smoking from accessing flavored product that have been proven to help smokers quit.

A recent study from researchers at the School of Public Health at the University of Maryland College Park and other public health institutions have shown that “flavors play an important role in e-cigarette preference,” meaning that when smokers have a wide variety of flavors to choose from, they are more likely to use a healthier alternative.¹ Other studies have reinforced this relationship, showing that when states and localities introduce flavor bans, consumers who had been using a healthier alternative simply return to smoking traditional combustible products.²

Considering the results of academic studies over the past decade, it is probable that banning consumers in Maryland from having access to flavored tobacco products would have the unintended consequence of sending smokers “back to the pack” – which would produce negative health outcomes such as premature death, increased risk of cardiovascular and respiratory

¹ Hyoshin Kim et.al., “Role of Sweet and Other Flavors in Liking and Disliking of Electronic Cigarettes,” *Tobacco Control* 2016, https://tobaccocontrol.bmj.com/content/25/Suppl_2/ii55.citation-tools.

² Yong Yang, Eric N. Lindblom, Ramzi G. Salloum, and Kenneth D. Ward, “The Impact of a Comprehensive Tobacco Product Flavor Ban in San Francisco Among Young Adults,” *Addictive Behavior Reports*, June 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7186365/#!po=0.961538>.

disease, and an increased likelihood of developing certain cancers. These increased risks are real and particularly troublesome, given the current struggle with the COVID-19 pandemic.

We are further concerned that SB177 does not distinguish between traditional tobacco products and flavored vapor products, placing both under the same category as “smoking.” This is problematic because flavored e-cigarettes are much safer than combustible alternatives. In fact, e-cigarettes are not only a safer alternative, but a large array of academic and medical research shows that they are an effective tobacco harm reduction tool:

- E-cigarettes are at least 95% safer than combustible cigarettes;³
- Switching to e-cigarettes could save the lives of 6.6 million American smokers;⁴
- E-cigarettes are two times more effective in helping people quit than traditional nicotine-replacement therapies;⁵
- Each year, 7,500 Marylanders die from smoking-related illnesses, and this number would be reduced significantly if flavored electronic cigarettes were available to adult consumers;⁶
- The use of flavored electronic cigarettes more than double the likely hood of smoking cessation;⁷ and
- Studies have shown that flavored e-cigarette use was not “associated with youth smoking initiation,” but rather adult smoking cessation.⁸

SB177 would make it unnecessarily difficult for those seeking to quit smoking. Given the above reasons, it is our assessment that this bill is NOT in the interest and benefit of Maryland’s consumers as it would give smokers fewer choices when they make the important decision to quit smoking.

Respectfully,

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³ E-cigarettes: An Evidence Update,” Public Health England, August 28, 2015, <https://www.gov.uk/government/publications/e-cigarettes-an-evidence-update>.

⁴ “Tobacco Smokers Could Gain 86 million Years of Life if They Switch to Vaping, Study Finds,” Georgetown University Medical Center, October 2, 2017, <https://gumc.georgetown.edu/news-release/tobacco-smokers-could-gain-86-million-years-of-life-if-they-switch-to-vaping-study-finds/>.

⁵ Hartmann-Boyce et al., “Can electronic cigarettes help people stop smoking, and do they have unwanted effects when used for this purpose,” Cochrane, October 14, 2020, https://www.cochrane.org/CD010216/TOBACCO_can-electronic-cigarettes-help-people-stop-smoking-and-do-they-have-any-unwanted-effects-when-used#:~:text=For%20every%20100%20people%20using, support%20or%20behavioural%20support%20only.

⁶ “Center for Tobacco Prevention and Control Program Final Evaluation Report,” University of Baltimore Shaefer Center for Public Policy, June 30, 2020, <https://phpa.health.maryland.gov/ohpetup/Documents/CTPCFinalEvaluationReport.FINAL.06-30-2020.pdf>.

⁷ Abigail Freidman and SiQing Xu, “Associations of Flavored E-Cigarette Uptake with Subsequent Smoking Initiation and Cessation.” *JAMA Network Open*. 2020;3, https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2766787?utm_source=twitter&utm_medium=social_jamapeds&utm_term=3423555898&utm_campaign=partnership&linkId=90922892.

⁸ Ibid.