



**Maryland Vapor
Alliance**

**SB 177 – Business Regulation – Flavored Tobacco Products – Prohibition
OPPOSED**

January 27, 2021

Honorable Delores Kelley
Chair
Finance Committee
3 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Chair Kelley, Vice-Chair Feldman, and Committee Members,

The Maryland Vapor Alliance represents approximately 200 brick-and-mortar vapor shops across Maryland. We are small businesses and defined in statute as vape shop vendors meaning 70% or more of our retail sales are derived from vapor products and accessories such as hardware and liquids. For almost all of our shops, this number is closer to 90% - 100%.

We have helped thousands of Maryland tobacco users transition to vapor products through the use of “open systems” that allow the user to control the amount of nicotine intake. This allows the adult user to decrease their nicotine intake over time.

First, we want to thank Senator Washington for introducing this legislation and listening to the concerns raised by our Association. However, we are opposed to the bill as drafted but are committed to working with the legislature on this issue. If the Maryland General Assembly’s objective is to reduce underage access to vaping products, Senate Bill 177 is not the solution. Senate 177 bans e-liquid flavors, demonstrating a fundamental misunderstanding of vaping. The Food and Drug Administration enforcement data demonstrates that the sale of vape products to minors is nearly exclusively at gas stations, convenience stores and pharmacies right next to cigarettes and other tobacco products. The products are almost exclusively high-nicotine, tobacco flavored, closed system products like JUUL. The nicotine content is equivalent to a pack of cigarettes per day, up to 20x the amount of nicotine in the open systems the majority of our members sell. This bill does nothing to address those products. They will remain on the market and underage individuals will have unfettered access. This bill merely shuts down the brick and mortar vape shops that sell low-nicotine flavored e-liquids to adults trying to quit smoking. These shops will not survive on the sale of tobacco flavored open systems. They will go out of business. Big tobacco will survive and actually increase their market share.

We remain committed to working with the legislature on crafting legislation to strengthen the regulations around vaping products. We do not believe this is the solution. We thank you for your consideration of our testimony.

Sincerely,

Matt Milby
Vice-President, Maryland Vapor Alliance