



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Acting Secretary

January 28, 2021

The Honorable Delores G. Kelley  
Chair, Senate Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, MD 21401

**RE: Senate Bill 177 - Business Regulation – Flavored Tobacco Products – Prohibition – Letter of Information**

Dear Chair Kelley and Committee members:

The Maryland Department of Health (MDH) submits this letter of information for Senate Bill 177 (SB 177) entitled “Business Regulation – Flavored Tobacco Products – Prohibition.” SB 177 is an emergency bill that prohibits businesses licensed to manufacture, sell, buy, and store tobacco products from manufacturing, shipping, importing, or selling any flavored tobacco products. Such tobacco products include cigarettes, electronic smoking devices (ESDs), and other tobacco products (e.g. cigars and smokeless) including flavored products such as mint and menthol. The sale of flavored tobacco products in vending machines is also prohibited.

In 2018, the U.S. Surgeon General declared youth vaping an epidemic.<sup>1</sup> Research indicates that youth are more likely to try flavored ESDs and are unaware that nearly all ESDs contain nicotine.<sup>2,3</sup> Following a partial ban of fruit flavored ESDs in 2018, there was an increase in the use of mint and menthol flavors.<sup>4,5</sup> Menthol flavoring can increase nicotine dependence and the urge to smoke, making it harder for smokers using menthol to quit.<sup>6</sup> Additionally, ESDs are not an FDA-approved cessation device, and the use of them may lead to the use of ESDs and cigarettes.<sup>7</sup>

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<sup>1</sup> <https://e-cigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>.

<sup>2</sup> 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. <https://tobaccocontrol.bmj.com/content/28/1/115.info>.

<sup>3</sup> Kristy L. Marynak, Doris G. Gammon, Todd Rogers, Ellen M. Coats, Tushar Singh, and Brian A. King, 2017: [Sales of Nicotine-Containing Electronic Cigarette Products: United States, 2015](https://doi.org/10.2105/AJPH.2017.303660) *Am J Public Health* 107, 702\_705, <https://doi.org/10.2105/AJPH.2017.303660>.

<sup>4</sup> Schneller LM, Bansal-Travers M, Goniewicz ML, McIntosh S, Ossip D, O'Connor RJ. Use of Flavored E-Cigarettes and the Type of E-Cigarette Devices Used among Adults and Youth in the US-Results from Wave 3 of the Population Assessment of Tobacco and Health Study (2015-2016). *Int J Environ Res Public Health*. 2019;16(16):2991. Published 2019 Aug 20. doi:10.3390/ijerph16162991 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6720922/>.

<sup>5</sup> <https://www.fda.gov/news-events/press-announcements/trump-administration-combating-epidemic-youth-e-cigarette-use-plan-clear-market-unauthorized-non>, retrieved 3January 2019.

<sup>6</sup> Ahijevych, K and BE Garrett, The role of menthol in cigarettes as a reinforcer of smoking behavior. *Nicotine Tob Res*, 2010 12 Suppl 2:p S110-6. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3636955/>.

<sup>7</sup> Dharma N. Bhatta, PhD, MPH; Stanton A. Glantz, PhD Electronic Cigarette Use and Myocardial Infarction Among Adults in the US Population Assessment of Tobacco and Health *J Am Heart Assoc*. 2019;8:e012317. DOI: 10.1161/JAHA.119.012317.

SB 177 would have a fiscal impact on MDH, requiring a one-time increased expenditure of \$54,600 in the state fiscal year 2022. These funds would be used to produce, print, and mail approximately 7,000 letters to licensed tobacco and ESD retailers statewide to notify them of the new law, as well as update and distribute existing retailer toolkits to reflect changes to current laws and practices.

I hope this information is useful. If you would like to discuss this further, please contact me or Emily Berg, Assistant Director, Office of Governmental Affairs at (410) 260-3190 or by email [webster.ye@maryland.gov](mailto:webster.ye@maryland.gov), [Emily.berg@maryland.gov](mailto:Emily.berg@maryland.gov).

Sincerely,



Webster Ye  
Assistant Secretary, Health Policy

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