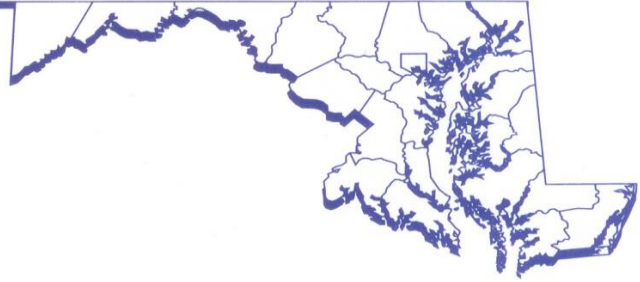


3b - FIN -SB 177 - FIN - Tobacco Flavor Ban - MACH

Uploaded by: Office of Governmental Affairs, Maryland Department of Health

Position: FAV



2021 SESSION POSITION PAPER

BILL: SB 177 – Business Regulation – Flavored Tobacco Products – Prohibition
COMMITTEE: Senate Finance Committee
POSITION: Letter of Support
BILL ANALYSIS: SB 177 would prohibit the sale of all flavored tobacco products, including menthol cigarettes, small, flavored cigars, and vape products, decrease health disparities among Maryland’s Black population, reduce teen vaping and nicotine addiction, and reduce health insurance costs for small and large businesses, resulting in millions of dollars of Medicaid savings.

POSITION RATIONALE: The Maryland Association of County Health Officers (MACHO) support SB 177. Prohibiting the sale of all flavored tobacco products, including menthol cigarettes, small, flavored cigars, and vape products is the most powerful step possible to reverse the recent wave of nicotine addiction. SB 177 will substantially decrease health disparities among Maryland’s Black population who have been targeted by the tobacco industry for decades with menthol products¹, and immediately begin to reverse the proliferation of teen vaping and nicotine addiction. Prohibiting flavored tobacco products will reduce health insurance costs for small and large businesses, lead to hundreds of millions of dollars in Medicaid savings over coming years, and help pave the way to a healthier and more productive workforce in Maryland.

103,000 Maryland high school students use flavored vape products.²

Small cigars, essentially flavored cigarettes in a tobacco leaf wrapper, are smoked by more high schoolers than cigarettes.³

95.6% of young people start tobacco and vape use with a flavored product.⁴

94% of African American youth and 85% African American adult smokers use menthol products⁵ compared to 26% of whites. This is primarily attributable to industry marketing.

Flavors, including menthol, make quitting tobacco products more difficult.^{4,6}

Nicotine is unsafe for adolescents. It impairs brain development, alters mood, harms impulse control, and increases the likelihood of future addiction to other drugs, including opioids.⁷

2013-2019, high schoolers use of e-cigarettes increased 600%.⁸ Use among adults 25 and older increased <1%.⁹

The percentage of teens using vape products (29.5%) is 10x greater than the percentage of adults using vape products (3%).^{1,9} These teens are at increased risk of conversion to cigarette smoking.

As a result of vaping, 8 adolescents begin to smoke cigarettes for every 1 adult smoker who quits.¹¹

A meta-analysis of 25 studies show *smokers who turn to vaping as a means of cessation are 27% less likely to quit* than those using FDA recommended methods.¹²

Prohibiting sale of flavored tobacco products will have an immediate impact on teen and young adult health:

- Preterm births will decline as fewer young women are exposed to nicotine, saving millions annually in Medicaid costs
- SIDS deaths will be prevented as fewer young mothers and fathers use tobacco products
- Child and adolescent asthma cases will be reduced along with associated Medicaid expenditures

Tobacco remains the leading cause of preventable death and disability in the U.S.^{13,14} **Each year, tobacco-related diseases cost the Maryland economy \$2.7 billion in direct medical expenses of which \$576 million is covered by Medicaid, and an additional \$2.2 billion in lost productivity to Maryland businesses.**

75% of parents of middle and high school students favor a ban on flavored tobacco products.¹⁵
Banning flavored tobacco products will lead to a healthier and more fiscally sound Maryland for generations to come.

For these reasons, the Maryland Association of County Health Officers submits this letter of support for SB 177. For more information, please contact Ruth Maiorana, MACHO Executive Director at rmaiora1@jhu.edu or 410-937-1433. *This communication reflects the position of MACHO.*

References:

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Obse Abebe - FINAL Anti-Flavored Tobacco Senate Wr

Uploaded by: Abebe, Obse

Position: FAV

January 28, 2021

Dear Chair Kelley and Members of the Senate Finance Committee:

I am writing on behalf of the Maryland Youth Against Flavored Tobacco Coalition to support SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition." Our coalition is composed of many youth-led organizations that are both county-wide such as the Montgomery County Student Government Association (MCR-SGA) and state-wide such as Maryland Youth For Change. We have met in the past few weeks to discuss our experiences with flavored tobacco. After speaking with numerous Maryland teens in middle and high school through this coalition, I strongly believe flavored tobacco is a problem for all age groups. My personal experience with flavored tobacco exemplifies this.

I was in seventh grade when *Beth, a friend of mine since elementary school, began using an e-cigarette called JUUL. When I confronted her about this, I was met with bewilderment. Beth couldn't fathom why I was so concerned about her because she insisted JUUL wasn't as bad as smoking. I remember telling her, my friend who had spent her whole life swimming and wanted to compete in the Olympics, that JUUL would get her kicked off that advanced team. Beth didn't talk to me for a while after that. Within the next few months, I witnessed more of my peers start to use JUUL. Straight-A middle school students with bright futures ahead of them fell prey to the lure of Big Bad Tobacco. I felt sick watching my warnings to them go unheard.

Towards the end of the school year, there was an anti-tobacco assembly because teachers and parents had also noticed the increase in tobacco use among middle schoolers. We sat in the gym listening to how JUUL contained as much nicotine as 20 cigarettes. This fact has stuck with me to this day because it counteracted Beth's argument of "JUUL isn't as bad." Speaking of Beth, she approached me again after that presentation. I still remember her shaking hands and nervous twitches, partially because the presentation had spooked her and partially because she used tobacco for so long by then. She confessed to me how bad it's gotten for her. When she tried to stop a few weeks ago, she failed. She described how withdrawal was everything we read about in our sixth-grade health class. The chills, headaches, insomnia, nicotine cravings, and more. She had even begun dry-swallowing Advil to ease the pain, but gave up and returned to JUUL. She made me promise not to tell anyone.

This was the worst position I have ever been put in; having to choose our friendship or her health. Of course, I chose her health and told my counselor who got the school and her parents involved. Beth didn't speak to me ever since and the worst part is, my sacrifice was in vain. When we returned in eighth grade, I heard rumors of Beth JUULing at parties and sometimes even drinking. I wasn't surprised because whenever I saw her in the halls, I could tell by her pale and miserable expression that tobacco addiction was a constant struggle. Flashforward to ninth grade and I heard she wasn't on the school swim team anymore. Although I don't know if she was kicked off or quit, I knew it was because of her indulgence in nicotine and alcohol. I heard from lowerclassmen and upperclassmen alike of her actions.

I have known too many Beth's in my academic career, some stories worse than others. This experience hurts the most because I lost a friend and the world lost a potential Olympic gold medalist. There were also race factors that came into play as more of my Black and Brown peers used flavored tobacco products. Imagine how this fuels the opportunity gap. I beg you all to not let another Beth be created in Maryland. Don't put another 13-year-old girl in the worst position of choosing between her friend or the greater good. I urge you all to choose the greater good now so no one is forced to make that decision themselves. Big Tobacco has targeted and exploited my community, but we can end this. I urge you to support the passage of a clean SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition."

Respectfully Submitted,

Obse Abebe

Maryland Youth Against Tobacco Coalition

All names have been changed for privacy concerns.

MDDCSAM - SB 177 FAV - Flavored Tobacco.pdf

Uploaded by: Adams, MD, Joseph

Position: FAV

SB 177 Flavored Tobacco Products - Prohibition

SUPPORT Senate Finance and Budget & Taxation Committees 1-28-2021

Nishant Shah, MD, MPH

MDDCSAM is a chapter of the American Society of Addiction Medicine whose members are physicians and other health providers who treat people with substance use disorders.

I am writing to support SB 177 to prohibit the sale of flavored tobacco and vaping products in the State of Maryland. Maryland will be joining 8 other states that have already banned flavored e-cigarette, and will lead the nation in banning all flavored nicotine products, including menthol flavored cigarettes. Federal law banned the majority of flavored cigarettes in 2009, and many cities and counties have banned all flavored tobacco products, similar to the proposed legislation.

Flavored tobacco products have been historically used to entice youth and non-smokers to try tobacco products. Flavored vaping products have followed a similar form of enticement, especially for youth smokers. In the State of Maryland, 13% of high school students have used a vaping product¹. Vaping products marketed as “juice pods” and in flavors titled “Pineapple Crush, Bubble Gum, and Mango” are products intentionally designed to target youth. In addition to flavored products, youth are targetted through promotional advertising in store windows, sports event sponsorship, and social media marketing campaigns.

In addition, vaping products deliver more concentrated amounts of nicotine to youth in higher volumes. As a result, youth are at higher risk of developing dependence on nicotine. Nicotine dependence with e-cigarettes is associated with a higher rate of cigarette smoking in the future².

Youth smoking is the strongest predictor of adult smoking; nearly 90% of adult smokers started smoking before the age of 18³. It is therefore essential to limit youth exposure to nicotine products if we are going to reduce the number of adults smoking.

Finally, smoking is the leading cause of preventable death in the United States, contributing to increased rates of cancer, heart attacks, and strokes. Our goal to improve health outcomes for Marylanders is dependent on helping people quit smoking, this bill will limit access to the products that will create the next generation of Maryland smokers.

As Health professionals tasked with addressing the needs of individuals with substance use disorders, the Maryland DC Society of Addiction Medicine supports the passage of SB 177.

¹ Source NYTS 2018. Accessed January 28, 2020. <https://www.tobaccofreekids.org/problem/toll-us/maryland>

² Barrington-Trimis JL et al. “E-cigarettes and future cigarette use.” *Pediatrics*, July 2016

³ CDC. Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General. 2012 and CDC. E-Cigarette use among youth and young adults: A Report of the Surgeon General. 2016

Written Testimony Letter_N.Azeez_signed.pdf

Uploaded by: Azeez, Nabeehah

Position: FAV

January 26, 2021

Testimony on SB 177 / HB 134: *Fight Flavored Tobacco in Maryland*

Position: Favorable

Nabeehah Azeez supports SB 177/HB 134.

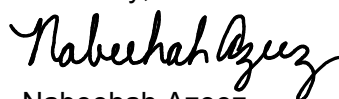
SB 177/HB 134 is legislation that would end the sale of all flavored tobacco products in Maryland, including electronic smoking devices, menthol cigarettes, flavored cigars, and smokeless tobacco. We urge passage of a bill without amendments, free from the type of regulatory loopholes Big Tobacco has exploited for decades.

I am a resident in the 40th Legislative District and I am active in my community in various ways. I sit on the governing board of the Muslim Community Cultural Center of Baltimore located in the 41st District. I work as the Operations Manager at No Boundaries Coalition Inc. I also am a board member at Communities United, Baltimore Peoples Climate Movement, StepUp Maryland and I am a member of the executive leadership of the Baltimore City Branch of the NAACP.

Through my various community endeavors I have come across many community members who are tobacco users with no plans of quitting as well as tobacco users fighting their addiction every day. I support this legislation because it seeks to disrupt the cycle of tobacco addiction without criminalizing smokers or the use of tobacco. The sale & marketing of flavored tobacco products primarily targets our community's most valuable citizens, our youth! As we know peer pressure is a real thing that our youth will have to combat throughout their lives. By passing this legislation we will be limiting the temptations before our youth to engage in the use of tobacco products. We will be addressing the issue of juvenile tobacco use at the root of the problem. Also, we will not be criminalizing our community members who already have fallen victim to the use of tobacco products. This legislation does not put the blame on community members. It instead allows legislators to say "This ends today!"

The Faith & Community Against Flavored Tobacco coalition's mission is to stop Big Tobacco from targeting Maryland's children and Black and Brown communities. To protect the health and futures of Maryland's youth, we must end the sale of all flavored tobacco products in Maryland. I Urge Maryland legislators to vote yes on SB 177 and HB 134.

Sincerely,



Nabeehah Azeez

Active Resident in the 40th Legislative District

Flavored_Tobacco_Letter_of_Support.pdf

Uploaded by: Barnes, Darryl

Position: FAV



LEGISLATIVE BLACK CAUCUS OF MARYLAND, INC.

The Maryland House of Delegates, 6 Bladen Street, Room 300, Annapolis, Maryland 21401

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January 28, 2021

Dear Chairwoman Kelley and members of the Senate Finance committee,

The Legislative Black Caucus of MD stands with Senator Mary Washington, and the public health community in supporting **SB 177 (HB 134) Business Regulation—Flavored Tobacco Products—Prohibition.**

This growing epidemic of e-cigarette use among our youth demands strong and immediate action. E-cigarette use soared by 78 percent among high school students and 48 percent among middle school students nationwide from 2017-2018. More than 5 million high-school and middle-school students used e-cigarettes last year – an increase of 1.5 million over the previous year – and public health authorities warn that these numbers likely have continued to rise. Research shows that 97 percent of current youth e-cigarette users used a flavored product in the past month, and 70 percent cite flavors as a key reason for their use.

95% of smokers begin before the age of 21. Right here in Maryland 18.2% of adults use any tobacco product, including 12.5% who use cigarettes.¹ Tobacco product use among youth is much too high, 5.0% of Maryland high school students smoke cigarettes, 6.0% smoke cigars, 4.6% use smokeless tobacco, and 23% use electronic smoking devices.² We know that most current smokers were enticed to begin this deadly addiction as youth, and most report beginning with a flavor.

As a result of targeted marketing, while the use of traditional cigarettes have declined, the sale of menthol cigarettes have steadily increased, especially among young people and new smokers. Menthol makes it easier to start smoking by masking the harshness of tobacco smoke. As a result, over half of youth smokers use menthol cigarettes; among African American youth smokers, seven out of ten use menthol cigarettes. In addition, there are now over 250 different cigar flavors, and cigars surpass cigarettes in popularity among high school boys nationwide.

In addition to youth, African Americans have been heavily targeted with menthol cigarette marketing. Quitting menthol cigarettes is particularly difficult, so those who initiate with menthol are more likely to become addicted and less likely to quit.

Leaving menthol cigarettes in our community is a matter of social justice and leaves those already most impacted by health disparities vulnerable to the aggressive marketing of the tobacco industry.

The African American community has historically been targeted by the tobacco

¹ Maryland Department of Health. BRFS 2018. Unpublished. Local Health Department Tobacco Control Meeting, November 21, 2019.

² Maryland Department of Health. YRBS/YTS 2019. Unpublished. Local Health Department Tobacco Control Meeting, November 21, 2019.

industry with advertising for menthol cigarettes, and a result, the vast majority of African Americans use menthol cigarettes, contributing to tobacco-related health disparities.³ Lung cancer is the second most common cancer in both African American men and women, but it kills more African Americans than any other type of cancer.⁴ According to the American Cancer Society, in 2020, it is projected that there will be 3,930 new cases of lung and bronchus cancer with 2,310 projected deaths of Maryland residents.⁵

Ending the sale of all flavored tobacco products, including but not limited to, menthol cigarettes and flavored cigar complements and builds on proven approaches such as fully funding tobacco prevention and cessation programs, regular and significant tobacco tax increases, and comprehensive smoke-free air laws. Ending the sale of all flavored tobacco products will have a substantial positive impact on public health and save lives.

Cities across the country have already acted to prohibit the sale of all flavored tobacco products. Over 50 localities in California, Colorado, Minnesota, Massachusetts and New York, and the State of Massachusetts have done so. And many other communities and states will likely follow in the coming months and years. Maryland has a long history of combatting tobacco use, and I am asking you to continue that tradition now by protecting our youth and the public health in our city.

It is Maryland's turn now to end the sale of all flavored tobacco products, including but not limited to, menthol cigarettes and flavored cigars. We humbly ask for the committee to vote favorably on this important public health legislation.

Sincerely,

Darryl Barnes

Delegate Darryl Barnes

Chairman, Legislative Black Caucus of Maryland, Inc.

³ Villanti, AC, et al. "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004-2014," *Tobacco Control*, published online October 20, 2016.

⁴ American Cancer Society, "Cancer Facts & Figures for African Americans, 2016-2018," 2016,

⁵ American Cancer Society, "Cancer Statistics Center—Maryland At a Glance 2020," 2020, https://cancerstatisticscenter.cancer.org/?_ga=2.228084189.1563839069.1580854904-199209832.1566400478#/state/Maryland

Jacobs Vape Story - My Son's Vaping Nightmare for

Uploaded by: Bartlett, Donna

Position: FAV

My Son's Vaping Nightmare

I am a concerned mother and a parent volunteer with PAVe (Parents Against Vaping), and I support ending the sale of all flavored vaping products and the speedy passage of **SB 177**.

Less than a year ago my son, an honor roll student and a dual sport varsity athlete tried vaping flavored nicotine for the first time. He said it tasted great, cherry being one of his favorites. He liked the flavors not just for the taste but also because he could easily hide it from me by passing it off as if he were just eating candy.

The candy odor was a sign, like so many others. The flash drives, that were vape devices. The stripped USB cords that were being used to hot wire his devices for charging, the empty pods, cartridges, and e-juice containers. There were so many signs, but even I as a self-proclaimed “Helicopter Mom” and someone who stays informed, did not see what was happening. It was not until months later, at which point my son had now been vaping for 3 months, every day, 4 to 5 times a day.

I could not believe Jacob had gotten caught up in this vaping epidemic after many discussions and his reassurance that he would never vape because he was an athlete, and he did not want to mess up his lungs. How did this happen when he knew the dangers? How did this happen when the age limit was now over 21? But it did and now he could not stop, he craved it every day all day.

His mood swings, his panic attacks, his failing grades, his troubles in school with detention and suspension, his lack of motivation, his depression, his lies, his desperation...it was all there.

There are events that neither Jacob nor I will soon forget...

Like the day he called me from a locked bathroom stall at school having a panic attack because he knew if he left the stall, he would vape with the other kids who were vaping in the bathroom as they do every day all day.

Then there was the night I watched and listened to my son who was crying uncontrollably and asking me through gut wrenching sobs “Mom, why is this happening to me? Why did I ever start vaping?” and then the next minute screaming with anger as he’s punching his bedroom dresser yelling “Mom, what is wrong with me? Why can’t I stop?”

This healthy strong young high school boy with a 4.13 GPA and AMAZING athletic abilities was no longer the boy I knew as my son. Vaping was now ruling his life both mentally and physically. The addiction took over and it had complete control of him.

Sadly, the physical effects of vaping were just as great as the emotional effects. Jacob, a starter player on varsity who usually played the entire game, was now having problems getting through a whole game because he could not breathe. He was even having breathing issues with simple things like gym class or a friendly community basketball game. No parent should have to watch their child gasp for breath like Jacob did on a field THAT he once dominated.

We are hoping over time his breathing will improve and this too, like the addiction, will just be a bad memory.

Jacob is working hard to stay in control, he wants to be stronger than the addiction. He recognized that his life was spiraling out of control. He will openly admit he regrets the day he tried vaping; he knows firsthand how bad the cravings are and how difficult it is to quit. But despite all this, he still finds himself craving the feeling he gets from vaping and unfortunately those craving are so strong he still struggles daily. Sadly, just a couple of weeks ago I found several empty menthol cartridges, his “New” favorite flavor. Yes, menthol is a flavor, and it is in fact one of the most popular flavors that is attracting our children.

I do not want any other child to have to deal with the addiction my son, Jacob is still dealing with. His story is an important one because...

People need to understand how quickly the addiction happens.

People need to understand how difficult it is to stop.

People need to understand the severe negative effects of vaping, both mentally and physically.

These flavors draw kids into vaping, the extremely high levels of nicotine addicts them and keeps them coming back for more. This epidemic is not going away if our kids are able to buy flavored nicotine products and that is exactly what is happening. The age restriction of 21 is not always enforced. The only way to end this is to remove ALL flavors. We can do this in Maryland NOW with the passage of **SB 177** which is a total flavor ban on all flavored tobacco products and e-cigs.

It is time to protect our children from this deadly habit.

SB0177-FAV-DTMG-1-28-21.pdf

Uploaded by: Bartlett, Olivia

Position: FAV



Olivia Bartlett, Co-Lead, DoTheMostGood Maryland Team

Committee: Finance

Testimony on: SB0177 – Business Regulation – Flavored Tobacco Products – Prohibition

Position: Favorable

Hearing Date: January 28, 2021

Bill Contact: Senator Washington

DoTheMostGood (DTMG) is a progressive grass-roots organization with more than 2500 members who live in a wide range of communities in Montgomery and Frederick Counties, from Bethesda near the DC line north to Frederick and from Poolesville east to Silver Spring and Olney. DTMG supports legislation and activities that keep all the members of our communities healthy and safe in a clean environment. DTMG strongly supports SB0177 because prohibiting flavored tobacco and vaping products will go a long way toward reducing smoking by adults as well as young people and will result in a healthier society.

I was a scientist at the National Cancer Institute (NCI) for 16 years. According to the NCI, use of tobacco products remains the leading preventable cause of death and disability in the United States, with almost 84% of lung cancer deaths among men and 81% of those among women attributed to tobacco smoking. Smoking also contributes to heart disease and chronic respiratory diseases. Racial/ethnic minority groups and low-income populations are disproportionately affected by smoking-related illnesses.

Research by the Centers for Disease Control and Prevention (CDC) and the Food and Drug Administration (FDA) has shown conclusively that fruit and candy flavored tobacco and vaping products attract young people. A 2018 study by the CDC that found that 67% of high school students and 49% of middle school students who used tobacco products in the prior 30 days reported using a flavored tobacco product during that time. The FDA found that first use of a flavored tobacco product was associated with continued use of tobacco. Multiple studies showed that youth aged 12-17 and young adults aged 18-24 cited flavors as a major reason for e-cigarette use, as well as for use of hookahs, cigars, menthol cigarettes, and smokeless tobacco. 81 percent of youth and 86 percent of young adults who ever used tobacco reported that the first tobacco product they used was flavored. Additionally, youth who initiate smoking with menthol cigarettes may be at greater risk for progression to established smoking and subsequent nicotine dependence than youth who initiate with nonmenthol cigarettes. Furthermore, adults who reported that the first tobacco product they used was flavored had a 32 percent higher prevalence of current tobacco product use.

SB0177 will address this growing problem by prohibiting the sale of flavored tobacco products and e-cigarettes that taste or smell of fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, a

candy, a dessert, an alcoholic beverage, an herb, or a spice. The prohibition will be enforced and violators will be fined.

Big tobacco companies have circulated misinformation about the benefits of flavored tobacco and e-cigarette products. However, while there is some anecdotal evidence that these products could help some addicted adult smokers switch from cigarettes to potentially less harmful forms of nicotine delivery, FDA has not found conclusive scientific evidence for this assertion. Menthol cigarettes are a favorite among young people and many minorities, and their availability will encourage more people to begin smoking and to continue smoking.

Vape shops have complained that prohibition of flavored products will decrease their business. That may be true. However, the science clearly shows that the flavored products they sell are harmful to the public and should be removed.

Therefore, DTMG strongly supports SB0177 and urges a **FAVORABLE** report on this bill.

Respectfully submitted,

Olivia Bartlett
Co-lead, DoTheMostGood Maryland Team
oliviabartlett@verizon.net
240-751-5599

Support SB177 Flavored Tobacco.pdf

Uploaded by: Braveboy, Aisha

Position: FAV

AISHA N. BRAVEBOY
STATE'S ATTORNEY



JASON B. ABBOTT
PRINCIPAL DEPUTY STATE'S ATTORNEY

State's Attorney for Prince George's County
14735 Main Street, Suite M3403
Upper Marlboro, Maryland 20772
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Chair, Delores G. Kelley
Vice-Chair, Brian J. Feldman
Senate, Finance Committee

Re: Support for SB 177- "Business Regulation- Flavored Tobacco Products- Prohibition"

Chair Kelley, Vice Chair Feldman and Members of the Finance Committee:

I write in support of Senate Bill 177, which prohibits flavored tobacco products. This important legislation helps protect our children and the Maryland community from a product that kills 7,500 Marylanders a year. This new wave of flavored tobacco is designed to be attractive to young kids and is creating an entirely new generation of tobacco users that will be subject to the same or worse health effects of previous generations.

This is not the first time that Big Tobacco has targeted and exploited our communities, but as State's Attorney and as a citizen of Maryland, I think that this law can help end Big Tobacco's exploitation. Our citizens have struggled with economic hardships, addiction and countless medical illnesses directly related to tobacco. Flavored tobacco continues this exploitation, in the last few years, tobacco companies have begun offering over 15,000 products including mint or menthol, gummy bear and cotton candy and are creating flavors such as, "Pop Tartz" directly targeted to teens and young adults.

The most popular product tends to be the e-cigarettes or vapes, which we now know delivers massive doses of nicotine through a product that tastes good and is easy to inhale. In a truly staggering number, 80% of young people who have ever used tobacco started with a flavored product. In Maryland, 23% of high schoolers currently use e-cigarettes, a rate 5 times higher than adults. It is clear that the current age restriction is not blocking the use of tobacco by our young people.

As I have previously indicated, this is not Big Tobacco's first foray in targeting Black and Brown communities. The use of menthol cigarettes resulted in an extraordinary increase in tobacco use by our community. In 1952, 5% of African Americans smoked menthol, through advertising, product discounts and discounts that number increased to 85% today. The sale of flavored tobacco products undeniably increases the suffering of Black and Brown communities, as well as, the prevalence of youth addiction to tobacco products. This addiction and devastation is preventable; I urge a favorable report on SB 177.

Thank you for your consideration.


Aisha N. Braveboy

Written Testimony Letter SB177 & HB134 (Rabbi Dani

Uploaded by: Burg, Daniel

Position: FAV

January 26, 2021

Testimony on SB 177 / HB 134
Fight Flavored Tobacco in Maryland

Position: Favorable

Rabbi Daniel Cotzin Burg of Beth Am Synagogue in Baltimore, MD, supports SB 177/HB 134.

SB 177/HB 134 is legislation that would end the sale of all flavored tobacco products in Maryland, including electronic smoking devices, menthol cigarettes, flavored cigars, and smokeless tobacco. We urge passage of a bill without amendments, free from the type of regulatory loopholes Big Tobacco has exploited for decades.

Flavored tobacco products lure kids into a life-long struggle with deadly addiction, hooking them on products in flavors like minty menthol, glazed donut, gummy bear, and cotton candy.

For decades, the tobacco industry has targeted Black and Brown communities with their predatory marketing of flavored tobacco products, namely menthol cigarettes. As a result, a staggering 85 percent of all African American smokers smoke menthol cigarettes, resulting in a disproportionate burden of tobacco-related disease and death. African Americans are more likely to die from tobacco-related causes than any other race or ethnic group.

I, personally, know the effects of nicotine addiction on young people. My father became addicted to cigarettes when he was a young teenager. As a child, I watched him struggle to quit over and over again, only to return to smoking. Eventually, my dad's addiction most likely took his life when he died of cancer at age 54. I am grateful he met my wife and danced at my wedding. I'm devastated he never met his granddaughter (who is named for him) nor his grandson. Because of predatory tobacco companies targeting young people, my father spent a lifetime fighting against his addiction. Since then Big Tobacco has discovered new technologies to make their products child-friendly. This needs to stop in Maryland!

The Faith & Community Against Flavored Tobacco coalition's mission is to stop Big Tobacco from targeting Maryland's children and Black and Brown communities. To protect the health and futures of Maryland's youth, we must end the sale of all flavored tobacco products in Maryland. Urge Maryland legislators to vote yes on SB 177 and HB 134.

Sincerely,

Rabbi Daniel Cotzin Burg
Beth Am Synagogue, Baltimore, MD

ALA_MD Flavors Testimony - SB 177_1-28-21.pdf

Uploaded by: Casper, Aleks

Position: FAV



American Lung Association Testimony Senate Bill 177

Finance Committee

January 28, 2021

Support

Chairwoman Kelley and Members of the Committee:

Thank you for the opportunity to provide comments on Senate Bill 177, Flavored Tobacco Products Prohibition sponsored by the Senator Washington. The American Lung Association strongly supports this bill with no amendments as an integral way to address the youth tobacco epidemic and encourage current smokers to make a quit attempt.

The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease, through research, education and advocacy. The work of the American Lung Association is focused on four strategic imperatives: to defeat lung cancer; to improve the air we breathe; to reduce the burden of lung disease on individuals and their families; and to eliminate tobacco use and tobacco-related diseases.

In new data from the 2020 National Tobacco Youth Survey, e-cigarette use among high school and middle school students continue to show epidemic levels. The data shows that 23.6% of high school users have used e-cigarettes in the last month and 6.7% of middle school students. This equals more than 4.47 million middle and high school students who now use e-cigarettes. The tobacco industry has continued to target youth users with marketing of flavored products which have made them appealing for youth users to initiate tobacco use, with many youth not realizing that these products contain nicotine and then struggling with a lifetime of addiction. The other alarming rate is 16.2% among students reported using any tobacco product and 8.2% of students are reporting using multiple tobacco products. The Lung Association is encouraging states to look at evidence-based policy measures to address this epidemic, including the measure before you which would remove all flavored tobacco products from the market. It is critical that all flavored products are included in any legislation as if you leave one product on the market youth may just switch to that product. Any legislative measure must include all flavors and all products, which include but are not limited to e-cigarettes, menthol cigarettes, hookah, cigars and smokeless products.

While much attention has been focused on how e-cigarettes are now attracting and addicting Maryland residents, many other flavored tobacco products have been on the market for decades. The tobacco industry has a long history of targeting communities of color, LGBTQ communities and communities of low socioeconomic status with the sale of menthol cigarettes and flavored cigarillos.

Flavors are a marketing weapon the tobacco manufacturers use to target youth and young people and hook them for a lifetime of addiction. Adding flavors to tobacco products can improve the ease of use of a product by masking the harsh taste of tobacco, facilitating nicotine uptake, and increasing a product's overall appeal. Candy, fruit, mint, and menthol flavorings in tobacco products are a promotional tool to lure new, young users, and these products are aggressively marketed with creative campaigns by tobacco companies. Products with flavors like cherry, grape, cotton candy, and gummy bear are clearly not aimed at established, adult tobacco users and years of tobacco industry documents confirm the intended use of flavors to target youth. Furthermore, youth report flavors are a leading reason they use tobacco products and they also perceive flavored products as less harmful. The data shows us that more than 95% of smokers start before they are 21. Passage of comprehensive tobacco control legislation would be a tremendous victory for Maryland's kids and families and will protect them from tobacco addiction and other health risks associated with the use of tobacco products.

Removing all flavored tobacco products would be a critical component to a comprehensive strategy to reduce tobacco use and prevent initiation and lifelong addiction. Ensuring that all flavored tobacco products are included in any policy measure will benefit Maryland communities of color, LGBTQ communities, and communities of lower socioeconomic status by reducing tobacco use and saving lives. We urge you to make sure no communities are left behind.

As with the passage of Tobacco 21 during a previous session of the General Assembly, these measures are all pieces of the puzzle to address the youth tobacco epidemic in a comprehensive way. The Lung Association believes that in light of the federal government's unwillingness to act, it is up to states like Maryland to take action and move forward comprehensive policy approaches to address this epidemic.

The Lung Association thanks the Maryland General Assembly for their continued commitment to the health and wellbeing of the residents of Maryland and the desire to protect Maryland youth from a lifelong tobacco and nicotine addiction. With action on this bill Maryland is making a commitment to having the first generation of never smokers. The Lung Association strongly supports Senate Bill 177 as drafted with no amendments and encourages swift action to move the bill out of committee and passage by the General Assembly.

Sincerely,

A handwritten signature in black ink that reads "Aleks Casper". The signature is written in a cursive, flowing style.

Aleks Casper
Director of Advocacy, Maryland
202-719-2810
aleks.casper@lung.org

testimony .pdf

Uploaded by: Cheatham, Makaiya

Position: FAV

January 28, 2021

Dear Chair Kelley and Members of the Senate Finance Committee:

I am writing to you to support SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition" and to extend my appreciation to the Committee for giving this issue the time and consideration it deserves. I encourage you to pass a clean bill that protects Maryland's children and communities from a toxic product that kills 7,500 people in Maryland each year and is actively hooking an entirely new generation of kids.

I am a teenager and grew up around many adults that smoke. It has always bothered me because I know that it's not good for anybody's body. There was a time, in 6th or 7th grade when I was twelve when I was in school and had to use the bathroom. I got up and went to the bathroom, where I saw two girls smoking in front of me. When I saw those two girls smoking, I didn't know what to do or even how to react. I was so shocked to see it right in front of my eyes, and soon after I realized that this was a thing that I would see more than once among my peers. I am now in 11th grade, age seventeen; it's been five years and nothing has been done that has stopped things like this from happening.

I want to protect my generation and all the others that come after that as well. Right now, since we're so young, we teens are at a point in our lives where we don't want to be controlled when nobody wants to listen to their parent, teacher, or any adult. Blinded by wanting to do what we want to do, we often can't see the bigger consequences of our actions and how they will affect us in the long run. We are the youth, the young, the future, and I want to help protect that. I care about my generation. We can do great things, but not if tobacco addiction stands in our way. Legislators need to do something sooner rather than later.

Vaping gives kids and teenagers a bad coping mechanism. I enjoy the taste of sweet things like candy or chocolate and if something tastes good, I'm going to want more of it. If someone offers me vegetables I'm not going to want any of that - vegetables taste nasty. Kids are always going to want candy over vegetables and it's the same concept with flavored tobacco. If tobacco tastes sweet it's going to attract people my age or younger who like those sweet things, too. If it tastes nasty, nobody is going to want that. That's why we need to stop selling flavored tobacco.

I know many may say that the solution to this is an age restriction. This is the wrong solution; when has an age restriction stopped teenagers from drinking, from smoking, from taking drugs? It hasn't. It will not be a solution to this problem, either. It is not hard to get a fake ID for teenagers, and even if we couldn't, there are still adults in this world that would do anything for a penny and who don't care who they sell tobacco to. Please hear me and help me look out for my generation and future generations, by passing a clean bill.

Respectfully Submitted,

Makaiya Cheatham

ACS CAN_FAV_SB 177 .pdf

Uploaded by: Collins, Jocelyn

Position: FAV



January 28, 2021

TO: The Honorable Delores G. Kelley, Chair
The Honorable Brian J. Feldman, Vice Chair
Members of the Senate Finance Committee
3 East
Miller Senate Office Building
Annapolis, MD 21401

The Honorable Guy Guzzone, Chair
The Honorable Jim Rosapepe, Vice Chair
Members of the Senate Budget and Taxation Committee
3 West
Miller Senate Office Building
Annapolis, MD 21401

FROM: Jocelyn Collins, Maryland and DC Government Relations Director
American Cancer Society Cancer Action Network
555 11th St. NW, Suite 300
Washington, DC 20004
jocelyn.collins@cancer.org
(301) 254-0072 (cell)

SUBJECT: SB 177 Business Regulation—Flavored Tobacco Products—Prohibition

POSITION: SUPPORT

The American Cancer Society Cancer Action Network (ACS CAN) is the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society. We support evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. On behalf of our constituents, many of whom have been personally affected by cancer, we stand in support of **SB 177 Business Regulation—Flavored Tobacco Products—Prohibition**.

In Maryland, 27.4% of youth and 18.2% of adults use any tobacco product, including 12.7% who use cigarettes.^{1 2} While 5.0% of Maryland high school students smoke cigarettes, 6.0% smoke cigars, 4.6% use smokeless tobacco, and 23% use electronic smoking devices.³ We know that most people who currently smoke were enticed to begin this deadly addiction as youth, and most report beginning with a flavor tobacco product.

¹ Nccd.cdc.gov. 2019. *Maryland, High School Youth Risk Behavior Survey, 2019*. [online] Available at: <<https://nccd.cdc.gov/Youthonline/App/Results.aspx?TT=A&OUT=0&SID=HS&QID=QQ&LID=XX&YID=2017&LID2=&YID2=&COL=5&ROW1=N&ROW2=N&HT=QQ&LCT=LL&FS=S1&FR=R1&FG=G1&FA=A1&FI=I1&FP=P1&FSL=S1&FRL=R1&FGL=G1&FAL=A1&FIL=I1&FPL=P1&PV=&TST=False&C1=&C2=&QP=G&DP=1&VA=C1&CS=Y&SYID=&EYID=&SC=DEFAULT&SO=ASC>> [Accessed January 2021].

² Campaign for Tobacco Free Kids. The Toll of Tobacco in Maryland. Updated October 20, 2020. http://www.tobaccofreekids.org/facts_issues/toll_us/maryland

³ Maryland Department of Health. YRBS/YTS 2019. Unpublished. Local Health Department Tobacco Control Meeting, November 21, 2019.

As a result of targeted marketing, while the use of traditional cigarettes has declined, the sale of menthol cigarettes has steadily increased, especially among young people and new smokers. Menthol makes it easier to start smoking by masking the harshness of tobacco smoke. As a result, over half of youth who smoke use menthol cigarettes; among African Americans who smoke, seven out of ten use menthol cigarettes. In addition, there are now over 250 different cigar flavors, and cigars surpass cigarettes in popularity among high school boys nationwide.

In addition to youth, African American, LatinX, and LGBTQ communities have been heavily targeted with menthol cigarette marketing. Quitting menthol cigarettes is particularly difficult, so those who initiate with menthol are more likely to become addicted and less likely to quit. Leaving menthol cigarettes in our communities is a matter of social justice and leaves those already most impacted by health disparities vulnerable to the aggressive marketing of the tobacco industry.

The 2020 Surgeon General *Smoking Cessation: A Report of the Surgeon General* released on January 23, 2020 noted that an “endgame” strategy that could further bolster tobacco cessation would be to end **the sale of flavored tobacco products, including menthol.**⁴

Cities across the country have already acted to end the sale of menthol cigarettes, flavored cigars and all other flavored tobacco products. Over 300 localities in California, Colorado, Minnesota, Massachusetts and New York, and the State of Massachusetts and California have done so. And many other communities and states are currently considering similar proposals. It’s now Maryland’s turn!

In 2021, it is estimated that approximately 34,590 Maryland residents will be diagnosed with cancer while 11,010 will die from the disease.⁵ Moreover, 26.3% of cancer deaths in Maryland are attributable to smoking according to the American Cancer Society.⁶

ACS CAN urges you to end the sale of menthol cigarettes, flavored cigars and all other flavored tobacco products and vote “favorably” for this legislation.

⁴ U.S. Department of Health and Human Services (HHS). *Smoking Cessation: A Report of the Surgeon General- Executive Summary*. Rockville, MD. U. S. Department of Health and Human Services, Public Health Service, Office of the Surgeon General; 2020. Available at <https://www.hhs.gov/sites/default/files/2020-cessation-sgr-executive-summary.pdf>.

⁵ American Cancer Society. Maryland Cancer Facts and Figures 2021. Atlanta: American Cancer Society; 2021.

⁶ Analysis by ACS, 2020.

SB177 Testimony (Favorable) - WD.pdf

Uploaded by: Donoughe, Walter

Position: FAV

January 28, 2021

Dear Chair Kelley and Members of the Senate Finance Committee:

I am writing on behalf of the Maryland Youth Against Flavored Tobacco Coalition in support of SB177- "Business Regulation - Flavored Tobacco Products - Prohibition." Our coalition comprises several local and state youth-led organizations such as the Youth Activism Project, Maryland Youth for Change, and the Montgomery County Student Government Association. We have held several meetings in which we have discussed our experiences with flavored tobacco products. After hearing their stories, and witnessing firsthand the negative effects of these products on middle and high school age children, I believe all flavored tobacco products should not be sold in Maryland.

Throughout my high school years, I saw many of my peers get hooked on these flavored tobacco products. Every day, several of my classmates would leave class to get a fix of nicotine so they can alleviate the withdrawal symptoms they felt after not using their vapes for several hours. Any public high school student can attest to seeing discarded Juul packages in the toilets or trash cans of their respective bathrooms any given day of the week. I knew friends that would beg their older siblings to buy them 3 packs of Juul pods at the nearest gas station to get them through the next two weeks. For reference, one 'pod' is the equivalent of 20 cigarettes. A recent survey showed that 1 in 5 Maryland high school students vape, honestly not to my surprise. By my senior year, people would be buying and selling vapes in school almost every day, replacing the legos and football cards they traded only a couple of years prior. Big tobacco companies knowingly marketed these products to kids- and now my friends are nicotine addicts.

One look at some of the labels on flavored tobacco products would debunk the claims that e-cigarettes are meant for users trying to quit a nicotine addiction. Rather, it's clear they seek a new, younger demographic to exploit. Bright, neon colors and mesmerizing patterns make flavored tobacco boxes look like candy wrappers. Combined with the use of teenage models to promote these products on social media, and these companies built a vape culture- and Maryland's kids took the bait. Vapes have become so popular that these companies no longer need to advertise, because the kids will sell their products to each other. Another common misconception is that e-cigarettes are safer than regular cigarettes. They're not. Vapes contain ultrafine particles, heavy metals and cancer-causing chemicals, which can harm the brain and immune system. These ingredients also make people more susceptible to COVID-19. Raising the consumption age to 21 was a good start, but it barely deterred the spread of nicotine in schools. If you do not vote to ban these flavored tobacco products, more kids will get hooked, and these shady corporations will continue to profit off of minors' nicotine addictions.

Thank you for your consideration.

Respectfully,
Walter Donoughe
Maryland Youth Against Tobacco Coalition

Senate Testimony.pdf

Uploaded by: Doumbia , Rokia

Position: FAV

January 28, 2021

Dear Chair Kelley and Members of the Senate Finance Committee:

I am writing on behalf of the Maryland Youth Against Flavored Tobacco Coalition to support SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition." Our coalition is composed of many youth-led organizations that are both county-wide such as the Montgomery County Student Government Association (MCR-SGA) and state-wide such as Maryland Youth For Change.

Flavored tobacco products are a risk for all age groups and especially adolescents since teens are at the developmental stage of low impulse control and a lack of behavioral breaks. This disposition to engaging in risks can draw them to vices like nicotine and combined with flavored products that not only deliver nicotine, but with a more pleasant flavor as well, these products pose huge risks.

Today, I am 16. I remember being in middle school, when I was the age of 12 and hearing the "scandalous stories" and being witness to my peers accidentally dropping their Juuls, their vape pens, and their tobacco products within the classroom. At the time we all thought it was gossip, (evidence of us not really knowing the harms), but I now realize how dangerous it was and still is for these products to have a regular presence at school. What now shocks me is the influence Juul had with us being so young but it is still possible that I can clearly recall multiple instances of these incidents happening. There was little to no research available to the general public on Juul's adverse effects at the time and Juul was being marketed as "safe." Everybody around me that was vaping believed that it had little to no side effects and was virtually okay to use.

I remember people my age and around my age during my freshman year engaging in mini-debates on which flavors were better and which ones were worse, mint apparently being a divisive one since some felt that it tasted like toothpaste. They had used enough flavored tobacco products to be able to engage in mini-debates over which flavor was more pleasant.

My freshman year of high school, there was a boy named *Blake in one of my classes and he always, without fail, had a Juul in his jacket pocket. One day, me and my friends had taken a trip to Rockville Town Centre during our school lunch time which was nothing out of the ordinary. Blake was walking ahead with his friends, and suddenly me and my friends were hit in the face with a small cloud of fruit flavored smoke from Blake's Juul, as he was exhaling behind him and the wind direction didn't help.

I also remember *Dara, a girl in my grade that I also met my freshman year. She liked to talk about herself sometimes and things she did. One of them being that she was already gifted an old vape pen from a close friend (that she had been using) so she wanted a dab pen for her birthday. She talked about how she vaped in her room and what she did to clear the scents out; how she tried to do it in the bathroom instead of the bedroom so her parents wouldn't find out.

Big Tobacco targets and aggressively advertises to minority communities, and minors with their flavored products. The area that I've grown up in from birth to now has been an area predominated by Black and Brown people. I've seen this advertising firsthand and have seen its effects on my peers around me. Starting today, we can make a change and make sure that less people, especially children are addicted to nicotine. I urge you to support the passage of a clean SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition."

Respectfully Submitted,

Rokia "Riki" Doumbia
Student at Richard Montgomery HS
Publishing Director
Montgomery County for Public Health

All names have been changed for privacy concerns.

MdPHA_testimony_SB177_Tobacco-Flavor-Ban-FNL.pdf

Uploaded by: Eck, Raimee

Position: FAV



Mission: *To improve public health in Maryland through education and advocacy*

Vision: *Healthy Marylanders living in Healthy Communities*

SB177 Business Regulation-Flavored Tobacco Products-Prohibition

Hearing Date: 1/28/21

Committee: Senate Finance

Position: SUPPORT

Chairperson Kelley and members of the Senate Finance Committee: The Maryland Public Health Association would like to express SUPPORT for SB177 “Business Regulation – Flavored Tobacco Products - Prohibition”. The bill, sponsored by Senator Mary L. Washington, will effectively remove all flavored tobacco products from the market, including menthol cigarettes, flavored e-cigarettes, vapes, cigars, and smokeless tobacco, which is an important step in the right direction for public health.

Even though it is a leading preventable killer in the United States, 7,500 people each year in Maryland alone die because of tobacco use. By eliminating a harmful way young people and communities of color in Maryland are targeted, SB177 will reduce tobacco-related illnesses and deaths, reduce health disparities, and save Maryland hundreds of millions of dollars in healthcare savings.

For decades, the tobacco industry has marketed flavored tobacco products, most commonly menthol cigarettes, to Black and Brown communities. As a result, over 85% of all African American smokers and 7 in 10 African American youth smokers smoke menthol cigarettes. The predatory targeting of these communities furthers already existing health disparities. Massachusetts and California have already enacted bans on menthol products, along with numerous states and localities that have banned the sale of flavored tobacco products.

Current trends show that e-cigarettes are used by high schoolers 5 times more often than adults. This trend is fueled by the creation and sale of flavored products like cotton candy, mango, and menthol. Flavoring tobacco lures children into tobacco use that can last a lifetime.

Data also shows that nearly 9 in 10 adults who smoke daily begin before the age of 18, and over 80% of youth smokers begin smoking with a flavored tobacco product. This trend continues throughout their tobacco use. In 2020, 85% of high schoolers who used tobacco within the last 30 days reported using flavored tobacco.

Reducing the number of individuals who smoke has proven to save lives and have a positive economic impact. The Maryland Center on Economic Policy (MDCEP) estimates that the prohibition of flavored tobacco will reduce illness associated with use, and in turn, reduce healthcare costs by billions of dollars. With the savings from reduced tobacco consumption individuals and families will recycle this income back into the economy, providing much needed stimulation.

The Maryland Public Health Association (MdPHA) is a nonprofit, statewide organization of public health professionals dedicated to improving the lives of all Marylanders through education, advocacy, and collaboration. We support public policies consistent with our vision of healthy Marylanders living in healthy, equitable, communities. MdPHA is the state affiliate of the American Public Health Association, a nearly 145-year-old professional organization dedicated to improving population health and reducing the health disparities that plague our state and our nation.

2021 MNA SB 177 Senate Side.docx.pdf

Uploaded by: Elliott, Robyn

Position: FAV



Committee: Senate Finance Committee
Bill Number: Senate Bill 177
Title: Business Regulation – Flavored Tobacco Products - Prohibition
Hearing Date: February 13, 2020
Position: Support

The Maryland Nurses Association (MNA) supports *Senate Bill 177 – Business Regulation – Flavored Tobacco Products - Prohibition*. This emergency bill would prohibit manufacturing, shipping, importing, or selling flavored tobacco products, including electronic devices, in the state.

Our country has seen a remarkable decrease in tobacco use in recent decades thanks to robust tobacco control efforts at multiple levels. However, the rise in popularity of e-cigarettes has quickly reversed that progress among today's youth. Results from the Centers for Disease Control's (CDC) 2019 National Youth Tobacco Survey show a disturbing increase in the number of youth using e-cigarettes – from 3.6 million in 2018 to 5 million in 2019.

This increase is not surprising given that e-cigarettes are available in a variety of flavors that appeal to youth, such as mint, candy, fruit, or chocolate, and have been marketed as a safer alternative to cigarettes. However, evolving evidence shows that the use of e-cigarettes can cause irreversible lung damage and lung disease. In addition, youth who use e-cigarettes are more likely to start smoking cigarettes.

We must act fast if we are to stop the rising trend of e-cigarette use, which will expose our youth to a potential lifetime of nicotine addiction, cost countless lives, and undermine the worthy investment made in recent decades to decrease tobacco use in our country.

Thank you for your consideration of our testimony, and we urge a favorable vote. If we can provide any further information, please contact Robyn Elliott at relliott@policypartners.net or (443) 926-3443.

References: Tobacco Use: Results from the National Youth Tobacco Survey. Retrieved from: <https://www.fda.gov/tobacco-products/youth-and-tobacco/youth-tobacco-use-results-national-youth-tobacco-survey>

The Impact of E-Cigarettes on the Lung. American Lung Association. Retrieved from: <https://www.lung.org/stop-smoking/smoking-facts/impact-of-e-cigarettes-on-lung.html>

NAACP_WF_SB177.docx.pdf

Uploaded by: Flowers , Willie

Position: FAV



NAACP

Maryland

STATE CONFERENCE

SENATE BILL 177

Business Regulation - Flavored Tobacco Products - Prohibition

CHAIRMAN GUY GUZZONE

BUDGET AND TAX COMMITTEE

My name is Willie Flowers and I am President of the NAACP Maryland State Conference and we stand in favor of Senate Bill 177.

The first anti-smoking campaign that I ever witnessed was the American Cancer Society's "Dragon Lady" PSA that featured a young Robin Givens. It was a breath of fresh air in a smoke filled room. She was a young cute girl moving around an arcade game room smoking and creating havoc in what was the sanctuary and destination point for anyone young. The visual hit home. It stuck with me and made me feel like I could keep people from smoking.

It was not until I was a senior in high school at the end of the 1980's when I really gained information about the health horrors of tobacco. Both smoking cigarettes and smokeless tobacco were reduced to death wishes in my research for a high school speech class. I was enriched with the knowledge of what tobacco did to the human body whether by smoking it or placing it into your mouth as chewing tobacco, dip or snuff. It could make you sick and kill you dead. If cigarettes were "cancer sticks" then smokeless tobacco was like putting cancer into your mouth. I'm sure the journals I read at the time didn't say that directly but that was the conclusion I came gleaned and it motivated me to commit myself to never smoking or buying cigarettes. For the life of me I am so happy I made that silent decision.

I would learn systemic build blocks of communities or "social determinants of health" worked to influence our environment and could help to achieve positives health outcomes or negative ones. That is why as a college student I was part of a movement that made our campus "smoke free." It seems like a small fete now but before that time smokers were lighting up anywhere and we knew very little about the cancer causing impact of second hand smoke. This was followed by the shutdown of smoking on airplanes and the tobacco settlement in the late 1990's. This \$260 Billion tobacco settlement was achieved during the Clinton years with 46 Attorney General's in the United States as plaintiffs. The case proved that American tobacco companies caused Americans to be sick and were responsible for outstanding state health costs. It also revealed a history of deceptive and negligent advertising schemes which targeted Black African communities specifically.

Because of that I personally support this bill because it could ease the pain and death in families like mine who have had members die because cancer and heart disease influenced by smoking.

In most cases menthol options were at the center of the process of going from smoking as a child, to chain smoking as an adult to sickness and then death. At the same time starting this bad habit with a child watching.

The introduction of vaping and flavored cigars are only an extension of the sickness and death cycle. We can stop it by changing policy. That simple step would allow families to love each other longer and to live out their dreams together.

For all reasons itemized Senate Bill 177 is important policy that can save lives. My generation has probably seen the worst of the pain and death but we have the influence of the system that has caused it and we should use it. We encourage this Senate committee to take the first step.

AODAAC TESTIMONY IN SUPPORT OF SB0177 BUSINESS REG

Uploaded by: Frey, Leslie

Position: FAV



ALCOHOL AND OTHER DRUG ABUSE ADVISORY COUNCIL

Marc Elrich
County Executive

Raymond L. Crowel, Psy.D.
Director

TESTIMONY IN SUPPORT OF BUSINESS REGULATION—FLAVORED TOBACCO
PRODUCTS—PROHIBITION
SB0177

Submitted by the Montgomery County Alcohol and Other Drug Abuse Advisory Council
to the Maryland Senate Finance Committee and Senate Budget and Tax Committee

January 27, 2021

Dear Members of the Finance Committee and Budget and Tax Committee:

The Montgomery County Alcohol and Other Drug Abuse Advisory Council (AODAAC) writes to you to support SB0177 - “Business Regulation - Flavored Tobacco Products - Prohibition” and to extend our appreciation to the Committee for giving this issue the time and consideration it deserves. We encourage you to pass a clean bill that protects our children and communities from a toxic product that kills 7,500 people in Maryland each year and is actively hooking an entirely new generation of kids.

The Montgomery County Alcohol and Other Drug Abuse Advisory Council (AODAAC) provides guidance to the County Executive and County Council for Montgomery County by identifying alcohol and other drug prevention and treatment needs and reviewing the county’s efforts in addressing those needs. We are comprised of experts in prevention and treatment, and have representatives from the legal, business, and medical communities. AODAAC urges the passage of SB0177 -Business Regulation - Flavored Tobacco Products - Prohibition for the reasons stated in the testimony submitted by the Maryland Public Interest Research Group (PIRG).

Big Tobacco has targeted and exploited our communities for far too long, leading Marylanders to lifelong struggles with addiction, sickness, and suffering. They are deceitful, manipulative, and clever, now using flavored products to target youth through advertising in print and digital media including social media platforms like Instagram. In the last few years, Big Tobacco has expanded its flavored offerings to over 15,000 products including mint or menthol, gummy bear, cotton candy, and many others. Flavors like “Pop Tartz” and strawberry shortcake are readily available through a variety of products that are highly attractive to kids.

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. We know that 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

there is currently an age restriction to purchase these products, clearly kids are still getting their hands on them given the rates of use.

Big Tobacco has used this playbook before by predatorily targeting Black and Brown communities through menthol cigarette advertising, product discounts, and giveaways. As a result, the amount of African American smokers who smoke menthol jumped from 5% in 1952 to about 85% today. Like other flavored products, menthol masks 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 its addictive qualities.

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

The sale of flavored tobacco products undeniably increases the suffering of Black and Brown communities as well as the prevalence of youth addiction to tobacco products. It is preventable. We can do something about it. We urge you to support the passage of a clean SB0177 - "Business Regulation - Flavored Tobacco Products - Prohibition."

Respectfully Submitted,

The Montgomery County Alcohol and Other Drug Abuse Advisory Council (AODAAC)

CC: Members of the Senate Finance Committee and Senate Budget and Tax Committee

SB177- MoCo- Support (GA21).pdf

Uploaded by: Frey, Leslie

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 177

DATE: January 28, 2021

SPONSOR: Senator Washington

ASSIGNED TO: Finance

CONTACT PERSON: Leslie Frey (leslie.frey@montgomerycountymd.gov)

POSITION: SUPPORT

Business Regulation - Flavored Tobacco Products – Prohibition

Senate Bill 177 prohibits any tobacco-related license holder from manufacturing, shipping, importing, or selling a flavored tobacco product, including all electronic smoking devices and menthol cigarettes. A violation of the prohibition on flavored tobacco products by a license holder is a misdemeanor punishable by a fine of \$1,000 and up to 30 days imprisonment.

Montgomery County has a local prohibition on the sale of flavored electronic smoking devices within one mile of a school, library, park, playground, or recreational facility in the County.¹ Senate Bill 177 would expand this policy in terms of the scope of prohibition (SB 177 prohibits the sale anywhere, not just in proximity to schools, etc.) and to all counties within the State. From a public health policy perspective, this is ideal because more Marylanders would be protected from the harmful health effects of flavored tobacco products; from an enforcement perspective, a state-wide prohibition is also ideal because uniformity of which products are available in each jurisdiction reduces confusion and inefficiencies for license holders.

At the federal level, in 2009 Congress banned the sale of most flavored tobacco products (with the notable exceptions of menthol flavored cigarettes and non-cigarette tobacco products such as electronic smoking devices and cigars) due to the recognition that flavored tobacco products are more appealing to youth than their non-flavored counterparts.² In 2020, the FDA announced prioritization of enforcement of the prohibition on the sale of “closed system” flavored electronic smoking devices, such as JUUL and blu.³ Senate Bill 177 would build on this action by the FDA to prohibit “open system” flavored electronic smoking devices, such as those sold in vape shops.

Montgomery County urges the Committee to acknowledge that banning all flavored tobacco products across the state is a necessary step towards curbing the harmful effects of nicotine addiction in youth and minorities and issue a favorable report.

¹ https://apps.montgomerycountymd.gov/ccllims/DownloadFilePage?FileName=2625_1_10572_Bill_29-19_Signed_20200403.pdf

² Huang L-L, Baker HM, Meernik C, Ranney LM, Richardson A, Goldstein AO. Impact of non-menthol flavours in tobacco products on perceptions and use among youth, young adults and adults: a systematic review. Tobacco control. 2016.

³ <https://www.fda.gov/news-events/press-announcements/fda-finalizes-enforcement-policy-unauthorized-flavored-cartridge-based-e-cigarettes-appeal-children>

FlavoredTobaccoTestimony.pdf

Uploaded by: Frias, Sunilda

Position: FAV



01-26-2021

Greetings, my name is Walkiria Pool, President and Founder of Centro de Apoyo Familiar (CAF), and I am writing on behalf of this organization. I am writing to urge you to support HB 134/SB 177, ending the sale of all flavored tobacco products in Maryland. As a legislator, you have a responsibility to protect our children and communities from a toxic product that kills 7,500 people in Maryland each year and is actively hooking an entirely new generation of kids.

My organization works continuously to empower underserved communities and continuing to allow the sale of flavored tobacco leads to lifelong poverty and struggle. These young people cannot be targeted with products that endanger their lives and lower their quality of life. I have four beautiful children and am part of a community with so many bright young people. So many young people and children do not understand the life long implications of tobacco usage and addiction to nicotine and other substances. Facilitating this addiction by allowing the sale of flavored tobacco is unconscionable. Almost a quarter of Maryland high school students currently use e-cigarettes, and 80% of young people who have ever used tobacco started with a flavored product.

The majority of kid users say they were drawn to tobacco because it tasted good - this is not surprising given that e-cigarettes come in flavors like cotton candy, watermelon, and gummy bear. Through targeted marketing and candy-flavored products clearly meant to appeal to kids, we now have an epidemic of youth tobacco use plaguing our state.

Tobacco companies also target Black and Brown communities through menthol cigarette advertising, product discounts, and giveaways. Like other flavored products, menthol masks the harsh taste of tobacco, making it easier for people to start smoking. As a result, about 85% of African American smokers today use menthol cigarettes, the last flavor of cigarette still allowed on the market. This has led to a devastating and disproportionate burden of suffering in Black and Brown communities.

The sale of flavored tobacco products undeniably leads Marylanders to lifelong struggles with addiction, sickness, and suffering. I urge you to support passage of HB 134/SB 177 to end the sale of ALL flavored tobacco products.

Menthol Restrictions maryland 2021.pdf

Uploaded by: Gardiner, Phillip

Position: FAV



The African American Tobacco Control Leadership Council

January 26, 2021

To: Chair Senator Delores G. Kelly, Vice Chair Brian J. Feldman and All members of the Maryland General Assembly Finance Committee

From: The African American Tobacco Control Leadership Council

Re: Prohibit the Sale of Menthol and all Other Flavored Tobacco Products, Including Flavored E-Juices, with no Adult exemptions in Maryland; Especially in the Midst of the COVID-19 Pandemic!

The African American Tobacco Control Leadership Council (AATCLC) strongly encourages the Maryland General Assembly Finance Committee to put forward legislation to full Senate calling for prohibiting the sale of menthol and all flavored tobacco products, including flavored e-juices, with no adult venue exemptions. We are glad to see that the Finance Committee has put this topic on its agenda, and it could not come at a better time. We already know that 80% of youth's 12-17 start smoking using flavored cigarettes (Ambrose et al., 2015). Indeed, in the midst of the COVID 19 pandemic, this is precisely the time to put strong public health measures in place. And in the midst of the fight for making Black Lives Matter, nothing could be more important than getting these products out of our community. If the Committee truly wants a healthier Maryland, and we believe that you do, then it is imperative that the sale of menthol and all other flavored tobacco products be prevented and that the predatory marketing of these products be stopped and recognized as a social injustice issue; an issue that disproportionately impacts poorer communities, marginalized groups, youths and communities of color.

This is no minor matter. Menthol and flavored tobacco products are driving tobacco-related deaths and diseases nation-wide. While the use of non-flavored tobacco cigarettes has been decreasing, the use of menthol cigarettes is on the rise, among youth and adults; among Latinos, Blacks, and Whites (Villanti, 2016). Let's be clear, the majority of women smokers smoke menthol cigarettes; folks from the LGBTQ community disproportionately smoke these products; 47% of Latino smokers prefer menthol cigarettes, with 62% of Puerto Rican smokers using menthol; nearly 80% of Native Hawaiians; a majority of Filipinos; and a majority of smokers with behavioral health issues smoke menthol cigarettes. Frankly, the most marginalized groups disproportionately use these so-called "minty" products (CDC, 2010; Fallin, 2015; Forbes, 2013; Delnevo, 2011; Hawaii State Dept. of Health, 2009; Euromonitor, 2008; Hickman, 2015).

Be appraised that 85% African American adults and 94% of Black youth who smoke are using menthol products (Giovino, 2015). These striking statistics arise from the predatory marketing of these products in the Black Community, where there are more advertisements, more lucrative promotions, and *cheaper prices* for menthol cigarettes compared to other communities

(Henriksen et al., 2011; Seidenberg et al., 2010). These predacious practices for the past 50 years have led to Blacks folks dying disproportionately from heart attacks, lung cancer, strokes and other tobacco related diseases (RSG, 2014).

Lawmakers should be aware that menthol, as if to add insult to injury, masks the harsh taste of tobacco and allows for deeper inhalation of toxins and greater amounts of nicotine. The greater the nicotine intake, the greater the addiction. Hence, it is no surprise menthol cigarette users find it harder to quit than non-menthol cigarette users (Ton et al., 2015; Levy et al., 2011). The “cool refreshing taste of menthol” heralded by the tobacco industry is just a guise; ultimately, **menthol and all flavors allows the poisons in cigarettes and cigarillos “to go down easier!”**

As we have all become aware, COVID-19 is not an equal opportunity killer: Black and Brown folks are dying disproportionately of this disease all around the country and right here in Denver. We know that smoking weakens the immune system of the lungs, the very site that the coronavirus thrives on. Also, vaping and smoking put young adults at much greater risk for COVID-19, as a new UCSF study points out (Adams et al., 2020). And as if the add insult to injury, an article in the European Respiratory Journal, shows that current smokers and people with chronic obstructive pulmonary disease (COPD) have more receptor cells in their lungs that attract the coronavirus (https://www.eurekalert.org/pub_releases/2020-04/elf-hlo040720.php). And yes, African Americans have disproportionately high rates of COPD! The Legislature needs to take every step that it can to protect the citizens of Maryland, especially its poor communities of color. By preventing Big Tobacco from targeting and hooking youth and low-income communities to flavored tobacco products, we can also help reduce potential vulnerability of these communities to COVID-19 and improve the health of all communities in Maryland.

We all have been reading in the papers about the surge in e-cigarette use, the so-called “JUUL Explosion”. In reality it is a “Flavors Explosion” given the fact that there are now over 15,000 kid friendly flavors available in the marketplace! ((<https://www.flavorshookkids.org/> 2018).

Here are some facts concerning E-Cigarettes that we should not lose sight of:

1. E-cigarettes are tobacco products that deliver nicotine, an addictive substance that especially in youth can compromise the brains executive functioning (Report of the Surgeon General, 2014).
2. The propylene glycol (PG) and vegetable glycerin (VG) that constitute a large portion of the e-juice and the resulting vapor **are not FDA approved for inhalation.**
3. PG and VG in electronic cigarettes disrupt lung lipid homeostasis and innate immunity independent of nicotine (Madison et al., 2019)
4. The 15,000+ flavors available on the market may be Generally Recognized as Safe (GRAS) for **ingestion**, but they are not GRAS for **inhalation.**
5. There are as many, if not more, metals in the vapor of e-cigarettes than found in cigarette smoke (Williams et al., 2013).
6. Many of the same toxins and carcinogens found in regular cigarettes, like benzene, formaldehyde, and tobacco specific nitrosamines, can be found in e-cigarette vapor

(Goniewicz et al., 2013). And yes, these toxins and carcinogens are at lower levels than in a regular cigarette; while these lower levels may be safer, this does not mean that e-cigarettes are **safe**!

7. The vapor from e-cigarettes activates platelet formation just like regular cigarettes; such platelet activity leads to arterial blockages (Hom et al., 2016).
8. E-cigarette aerosol consists of ultrafine particles at levels comparable to or higher than cigarettes. These particles can cause cardiovascular and pulmonary disease. In addition, the particle size in e-cigarettes is often smaller, and thus more dangerous, than those generated by cigarettes (Fuoco FC, Buonanno G, Stabile L, Vigo P. 2014).
9. Kids who start with e-cigarettes are more likely to become regular cigarette users, and unfortunately, in many cases dual users (Piper et al., 2019).
10. Carcinogens have been found in mint and menthol e-cigarettes. The substance, pulegone, which the FDA banned as a food additive in 2018, was found to be 100-1000 times higher in concentrations than what is considered safe for ingestion! (Jabba and Jordt, 2019)
11. Flavors (aldehydes) are respiratory irritants by definition; **Cinnamaldehyde** suppresses bronchial epithelial cell ciliary motility (Clapp et al., 2019)
12. Here is a link to the European Public Health Association: Fact or Fiction on E-cigs:
https://eupha.org/repository/advocacy/EUPHA_facts_and_fiction_on_e-cigs.pdf

Ultimately, the AATCLC is calling upon the Maryland General Assembly to prohibit the sale of menthol cigarettes and all other flavored tobacco products, including flavored e-juices and become the 3rd State in the Country to outlaw these products. Indeed, in June, the State of Massachusetts became the first State to prohibit the sale of menthol and in August, California became the second State in the Union to prohibit the sale of menthol and all flavored tobacco products state-wide. Be appraised that in June 2018, San Francisco voters passed the first ever citywide restriction on the sales of all flavored tobacco products, including menthol cigarettes and flavored e-cigarette juices. This “strongest flavor ban law ever” was rapidly replicated in the numerous cities in California and around the Country. Today, over 60 municipalities prohibit the sale of menthol and all flavored tobacco products including flavored e-juices. <https://no-smoke.org/wp-content/uploads/pdf/flavored-tobacco-product-sales.pdf> Maryland preempts local jurisdictions from passing such ordinances; this is something the Legislature should look into.

At the federal level, the tobacco industry and the vaporists have lobbied hard in Washington, resulting in half-steps on the part of the FDA to restrict the sale of only some flavored products, but certainly not all. This is the same mistake the Congress made in 2009 when it removed 13 flavors from tobacco products, but exempted menthol. Just as problematic is the FDA’s current half-steps in addressing the menthol and flavors. Heralded initially as a full flavor ban, subsequently the flavor ban devolved into a series of loopholes that you could drive a convoy of tractor trailers through. You can still buy e-cigs with all their kid friendly flavors that are refillable, like Suorin and Smok; you can still buy disposable e-cigs, like Puff Bars; and there is the possibility that some products may return to the market, after FDA approval. And to make matters worse, you can still buy menthol and tobacco flavored Juuls and other non-disposable e-

cigarette tobacco products. Hence, it is imperative that States like Maryland take the lead and join the growing movement to remove *all* flavored tobacco products, especially menthol cigarettes, flavored little cigars and flavored e-juices, from the marketplace.

We should note that some groups, spurred on and funded by the tobacco industry, have been spreading falsehoods, stating that restricting the sale of menthol and flavored tobacco products, including flavored e-juices will lead to the “criminalization” of particularly young Black men. Nothing could be further from the truth. All ordinances adopted around the country would ***prohibit the sale*** of flavored products, it would ***not prohibit the possession*** of these products. The facts are that the adoption of menthol restrictions will not lead to police having any greater interaction with any youth; it won’t be illegal to possess these products, just retailers cannot sale them. Indeed, purchase, use and possession (PUP) of commercial tobacco products should be decriminalized. We shouldn’t be arresting youth for PUP cigarettes and little cigars; we are certain that police have more pressing matters to attend to in the midst of the Pandemic.

These same groups rail about “unintended consequences.” We respond: **Look at the intended consequences:** Black folks die disproportionately from tobacco related diseases of heart disease, lung cancer, and stroke than other racial and ethnic groups (RSG, 2014); menthol cigarettes and flavored little cigars are the agents of that destruction.


Still other groups funded by the tobacco industry insist that removing menthol cigarettes and flavored little cigars would be taking away “our” cigarette; we’d be discriminatory. This line of argumentation stands history on its head. As was pointed out earlier, it was and is the tobacco industry that predatorially markets these products in the Black Community. The facts are these: there are more advertisements, more lucrative promotions, and menthol cigarettes are ***cheaper in the Black Community*** compared to other communities (Henriksen et al., 2011; Seidenberg et al., 2010). This is how these flavored death sticks became “our” cigarettes; they were pushed down our throats!

Formed in 2008, the African American Tobacco Control Leadership Council is composed of a cadre of dedicated community activists, academics, public health advocates and researchers. Even though based in California, we are national in our scope and reach. We have partnered with community stakeholders, elected officials, and public health agencies, from Chicago, Boston and Minneapolis to Berkeley and San Francisco. Our work has shaped the national discussion and direction of tobacco control policy, practices, and priorities, especially as they affect the lives of Black Americans, African immigrant populations and ultimately all smokers. The AATCLC has been at the forefront in elevating the regulation of mentholated and other flavored tobacco products on the national tobacco control agenda, including testifying at the FDA hearings when the agency was first considering the removal of menthol cigarettes from the marketplace in 2010 and recently in October of 2019, providing testimony at the Pallone hearings, a national bill that would prohibit the manufacturing of menthol and all flavored tobacco products. Just this past June the AATCLC along with its partner Action on Smoking and Health (ASH) filed a lawsuit against the FDA for dragging its feet on not getting menthol out of the marketplace; subsequently and importantly the American Medical Association (AMA) and the National Medical Association (NMA) have joined on as a plaintiffs.

Now is the time to adopt strong tobacco control measures that can protect our families. We already know that menthol and flavors “makes the poison go down easier.” Let’s not now allow menthol to make COVID-19 go down easier too! The Legislature needs to put the health of Maryland residents in the forefront of their thoughts, not the interests and profits of the tobacco industry, the vaping industry and their surrogates. This is not the time for half-steps, like continuing to allow these products to be sold in adult-only venues, rather it is time to take a stand for the public’s health and say: **No Selling of Menthol Cigarettes and All Other Flavored Tobacco Products, including Flavored E-Juices in Maryland!** Say “No” to the continued predatory marketing of menthol flavored tobacco products to our youth and say “Yes” to the health and welfare of our kids, who are the most vulnerable. In fact, say “Yes” to the protection for **all** the residents of Maryland.

We are all counting on you!

Sincerely,



Phillip Gardiner, Dr.P.H. Co-Chair AATCLC www.savingblacklives.org



Carol McGruder, Co-Chair AATCLC



Valerie Yerger, N.D., Co-Chair AATCLC

SFNC - SB 177 HB 134.pdf

Uploaded by: Green, Christina

Position: FAV

January 25, 2021

Testimony on SB 177 / HB 134
Fight Flavored Tobacco in Maryland

Position: Favorable

St. Francis Neighborhood Center Supports SB 177/HB 134.

SB 177/HB 134 is legislation that would end the sale of all flavored tobacco products in Maryland, including electronic smoking devices, menthol cigarettes, flavored cigars, and smokeless tobacco. We urge passage of a bill without amendments, free from the type of regulatory loopholes Big Tobacco has exploited for decades.

Flavored tobacco products lure kids into a life-long struggle with deadly addiction, hooking them on products in flavors like minty menthol, glazed donut, gummy bear, and cotton candy.

For decades, the tobacco industry has targeted Black and Brown communities with their predatory marketing of flavored tobacco products, namely menthol cigarettes. As a result, a staggering 85 percent of all African American smokers smoke menthol cigarettes, resulting in a disproportionate burden of tobacco-related disease and death. African Americans are more likely to die from tobacco-related causes than any other race or ethnic group.

As the Executive Director and Operations & Program Director of St. Francis Neighborhood Center, we have seen first hand how those we serve-- including youth/underage--depend on this unhealthy habit--and given that 100% of our served families live below the poverty line, 98% are African American--it is a triple punch to our community. 1. It is expensive, 2. We watch our families struggle with their health, and 3. Quite frankly we are exhausted by yet one more avenue to target and extinguish the African American community.

To protect the health and futures of Maryland's youth, we must end the sale of all flavored tobacco products in Maryland. Urge Maryland legislators to vote yes on SB 177 and HB 134.

Sincerely,



Christi Green, Executive Director



Torbin Green, Operations & Program Director

2405 Linden Ave. Baltimore, MD 21217
Mail address: P.O. Box 12279, Baltimore MD 21281
Center: 410-669-2612 | Cell: 410-870-9670



Sen. Mary Washington Testimony SB177 Hearing 1-28

Uploaded by: griffin, christine

Position: FAV

MARY L. WASHINGTON, PH.D
Legislative District 43
Baltimore City

Education, Health, and
Environmental Affairs Committee

Chair
Joint Committee on Ending
Homelessness

Chair
Joint Committee on Children,
Youth, and Families



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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800-492-7122 Ext. 3145
Mary.Washington@senate.state.md.us

Dear Chair Kelley, Vice Chair Feldman and members of the committee:

Thank you for the time and opportunity to speak today in favor of SB 177 – Business Regulations – Flavored Tobacco Products – Prohibition. I am proud to sponsor this legislation and have the support of a large and diverse coalition of faith and community groups in Maryland. The coalition represents health care experts, faith and community leaders, parents, and kids who all need our help to remove these toxic products from our neighborhoods. This bill will ultimately save our state hundreds of millions of dollars in health care costs and reduce the overall suffering and addiction that has plagued our communities for over a generation.

The story of inequity and inequality is not a new one in our state's history, and the COVID-19 pandemic has brought to the forefront several long standing issues that have historically plagued minority communities. One such issue is the predatory and targeted efforts of the Big Tobacco industry to hook Black and Brown communities, particularly our youth, to flavored tobacco products. Worse still, we know tobacco use increases the risk of contracting COVID-19, making this product and our pandemic even more deadly for the communities Big Tobacco targets.

In an effort to protect our citizens from a toxic product that contributes to 7,500 deaths in Maryland each year as well as roughly \$2.9 billion in related health care costs, I am asking for you to support this legislation that will end the sale of flavored tobacco products.

For decades, Big Tobacco has pursued explicitly racialized marketing strategies for menthol cigarettes, the most widespread flavored tobacco product. In fact, researchers drawing on hundreds of tobacco industry documents found that Big Tobacco utilized a pattern of "highly targeted menthol cigarette marketing" concentrated in communities "populated predominantly by low-income African American residents" since the 1960s.

Menthol is easier to smoke given its minty taste and cooling sensation. It's a smart marketing strategy because Big Tobacco knows that nicotine stores itself in tissues that contain melanin, the substance that gives color to our skin. The darker your skin, the more nicotine is stored in your body, making it much easier to become addicted and much more difficult to quit.

Big Tobacco's strategy has been effective. In 1952, only 5% of Black adult smokers used menthol. Today that number is 85%, and seven out of 10 Black youth smokers smoke menthol. Black men now face the highest rates of mortality due to tobacco-linked conditions such as lung cancer and heart disease. And despite the federal government outlawing flavored

cigarettes in 2009, menthol cigarettes were exempted, meaning they continue to be accessible at your local convenience store.

In the 21st century, Big Tobacco has also been innovating. We have seen the emergence of e-cigarettes, which are the most commonly used tobacco product among youth, surpassing conventional cigarettes in 2014. They are also strongly associated with the use of other tobacco products among youth and young adults, who become dual users of e-cigarettes and conventional tobacco products. This should come as no surprise since e-cigarettes come in over 15,000 flavors such as minty menthol, glazed donut, gummy bear, and cotton candy.

Clearly designed to hook kids to a life of addiction, these devices deliver massive doses of nicotine, which we know can harm the brain development in adolescents. In fact, just one Juul pod contains as much nicotine as a pack of cigarettes.

Currently, a staggering one in four Maryland high school students use e-cigarettes, a rate five times higher than adult use, and 80% of teens who have ever used tobacco started with a flavored product. Despite age restrictions, we know that kids are accessing these products easily.

In Baltimore alone, 87% of public schools are within 1,000 feet – about two city blocks – of a tobacco retailer selling these dangerous products. And if kids can't get the product from their local store, they are getting them from older friends or family.

This reality allows Big Tobacco to use e-cigarettes as a new path to addiction for a new generation who might otherwise avoid cigarettes. Once addicted, the minty taste of menthol cigarettes creates a clear bridge between vaping and traditional tobacco use.

To add insult to injury, Big Tobacco defends e-cigarettes by saying they help smokers kick the habit. These dubious claims recall Big Tobacco ad campaigns of the past such as "More doctors smoke Camels," or the roll out of a "safe" new cigarette filter, all of which successfully prolonged tobacco addiction into another generation. The truth is that e-cigarettes are not proven or approved by the CDC or FDA as a cessation product.

It is our job to protect Marylanders, especially our youth, from these toxic products that cause death and suffering in our communities. For these reasons, I respectfully ask for a favorable report on SB 177.

In Partnership,

A handwritten signature in blue ink, appearing to read "Mary Washington".

Senator Mary Washington
Maryland 43rd District

AHA Favorable 2021 SB 177 Flavors Laura .pdf

Uploaded by: Hale, Laura

Position: FAV



January 24, 2021

Testimony of Laura Hale

American Heart Association

Favorable—SB 177 Business Regulation - Flavored Tobacco Products - Prohibition

Dear Chair Kelley, Vice Chair Feldman and Member of the Finance Committee,

Thank you for the opportunity to speak before you today. My name is Laura Hale and I am the Director of Government Relations for the American Heart Association. The American Heart Association offers our strong support for SB 177.

Keeping Maryland healthy is a drive of the American Heart Association and something that each of you has worked tirelessly to do. Despite the efforts that have been made, the tobacco industry continues to work to addict Maryland's youth to their deadly products: from menthol cigarettes to candy flavored e-cigarettes to everything in between. But today, you have an opportunity to take away one of the things that entice youth to these products: flavors.

Flavors make the addictive nicotine go down easier in these products. 80 percent of teens who use tobacco products started with a flavored product like mint, menthol, or berry¹. Youth are using products such as electronic smoking devices (ESDs), cigarettes, cigars and chewing tobacco². The flavorings in all of these products are appealing to youth and are the reason many initiate use³. By removing the flavored products from the market, youth will no longer be interested in starting to use these products. We will be able to create a generation of never-smokers.

When addressing this issue, it is important to remember the variety of products on the market and not only look at ESDs. The tobacco industry continues to create and market new products to hook Maryland's children. They need new smokers to support their business model. By addicting the next generation to tobacco, they are creating more of a tax burden on Marylanders with the increase in cost for Medicaid as well as the human cost of lives lost each year⁴. If nothing changes, 92,000 kids alive today in Maryland will die prematurely due to tobacco use⁵.

Sales of flavored tobacco products must end in Maryland. The health of our kids can't wait. To protect the health of all Marylanders, Maryland must end the sale of all flavored tobacco products, including ESDs, menthol cigarettes, chewing tobacco, and flavored cigars.

¹ Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," Journal of the American Medical Association (JAMA), published online 26 October 2015.

² <https://www.tobaccofreekids.org/problem/toll-us/maryland>

³ https://www.globaltobaccocontrol.org/sites/default/files/state_of_the_evidence_-_flavor_ban_or_restriction_0.pdf

⁴ <https://www.tobaccofreekids.org/problem/toll-us/maryland>

⁵ <https://www.tobaccofreekids.org/problem/toll-us/maryland>

Hathaway Testimony.pdf

Uploaded by: Hathaway, Rev. Alvin

Position: FAV

Union Baptist Church
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Baltimore, Maryland 21217
www.unionbaptistmd.org
410-523-6880

January 26, 2021

Testimony on SB 177 / HB 134
Fight Flavored Tobacco in Maryland

Position: Favorable

Dr. Alvin C. Hathaway, Senior Pastor, Union Baptist Church supports SB 177/HB 134. SB 177/HB 134 is legislation that would end the sale of all flavored tobacco products in Maryland, including electronic smoking devices, menthol cigarettes, flavored cigars, and smokeless tobacco.

We urge passage of a bill without amendments, free from the type of regulatory loopholes Big Tobacco has exploited for decades. Flavored tobacco products lure kids into a life-long struggle with deadly addiction, hooking them on products in flavors like minty menthol, glazed donut, gummy bear, and cotton candy.

For decades, the tobacco industry has targeted Black and Brown communities with their predatory marketing of flavored tobacco products, namely menthol cigarettes. As a result, a staggering 85 percent of all African American smokers smoke menthol cigarettes, resulting in a disproportionate burden of tobacco-related disease and death. African Americans are more likely to die from tobacco-related causes than any other race or ethnic group.

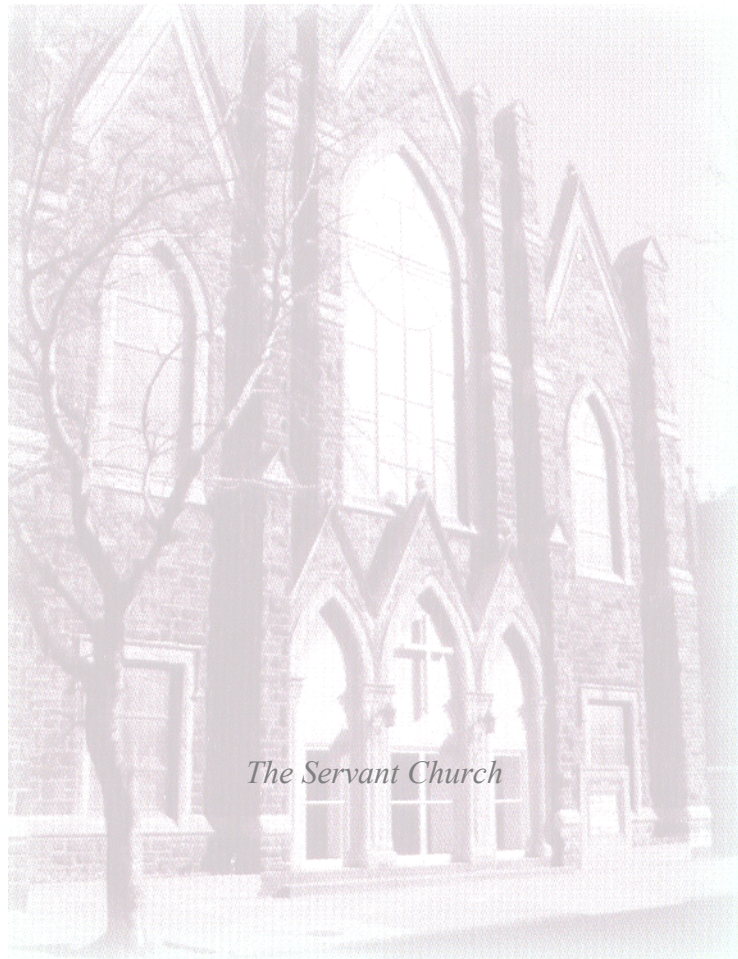
Tobacco advertising lured me as a young Boy Scout to get an adult to buy me a pack of Kool cigarettes. Why, I wanted to be cool. My patrol was excited when I passed them cigarettes to smoke late at night in our tent, when we were supposed to be asleep. I lit the cigarettes and began to puff. As we puffed we coughed. Our lung intuitively were rejected the smoke we were inhaling. Our Scout Master came to the tent and asked what were we doing. Between coughs it was clear. He did something that changed my life. He told us that since you want to smoke them, eat them. As a result of that experience I have never smoked a cigarette again in my life. Now, I'm thankful for that lesson, because as a child, I didn't realize advertising was seeking to lure me into a habit that would have been difficult and costly to break. Youth must be protected from advertising and smoking that will impact the quality of their health.

The Faith & Community Against Flavored Tobacco coalition's mission is to stop Big Tobacco from targeting Maryland's children and Black and Brown communities. To protect the health and futures of Maryland's youth, we must end the sale of all flavored tobacco products in Maryland. Urge Maryland legislators to vote yes on SB 177

Sincerely,

Alvin C. Hathaway, Sr.

Dr. Alvin C. Hathaway, Sr.
Senior Pastor



The Servant Church

SB0177 Howard Co BOE Testimony 012821 for FIN - To

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Position: FAV



**Board of Education of Howard County
Testimony Submitted to the Maryland Senate,
Finance Committee
January 28, 2021**

**Board of Education
of Howard County**

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SB0177: FAVORABLE

Business Regulation - Flavored Tobacco Products – Prohibition

The Board of Education of Howard County (the Board) supports **Business Regulation - Flavored Tobacco Products – Prohibition** for its potential to directly impact the appeal of tobacco products and e-cigarettes to Howard County youth.

Health Services staff from the Howard County Public School System (HCPSS) have seen wide-spread use of e-cigarettes, and flavored products specifically, among Howard County students. As reported in a 2019 *Baltimore Sun* article (<https://www.baltimoresun.com/maryland/howard/ph-ho-cf-howard-teens-juuling-0314-story.html>) their appeal and detrimental health impacts to local youth is astounding. In 2020, the Board joined a class action lawsuit against JUUL, the largest manufacturer of electronic smoking devices, due to their marketing to minors and the product's harmful effects.

Nationally, a 2015 *Journal of American Medicine* article indicated 81% of youth who have used a tobacco product started with a flavored product.

Statistics such as these continue to concern staff, with no real way to prevent student access when their availability in the state abounds. Our mission as a school system is to ensure academic success and social-emotional well-being – including the physical health of students which ultimately impacts their learning. By supporting HB0134/SB0177 to prohibit the manufacture, shipment, import, or sale of flavored tobacco products in Maryland, including electronic smoking devices, the Board hopes to remove this temptation for vulnerable youth.

For these reasons, we urge a FAVORABLE report of SB0177 from this Committee.

SB0177_FAV_MedChi, MDAAP_Flavored Tobacco Products

Uploaded by: Kasemeyer, Pam

Position: FAV



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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:

Pamela Metz Kasemeyer

J. Steven Wise

Danna L. Kauffman

410-244-7000

³ Teresa Wang, Andrea Gentzke, McLisa 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.*

2021-01-28 SB 177 (Support).pdf

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Position: FAV

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January 28, 2021

TO: The Honorable Delores G. Kelley
Chair, Finance Committee

FROM: Brian E. Frosh, Attorney General

RE: SB 177 – Business Regulation – Flavored Tobacco Products – Prohibition –
Letter of Support

The Office of the Attorney General urges a favorable report on Senate Bill 177. This bill prohibits the manufacture, shipment, import, or sale of flavored tobacco products within the State. A violation is a misdemeanor punishable by maximum penalties of a \$1,000 fine and/or 30 days imprisonment. Further, the manufacture, shipment, import, or sale of (or attempt to manufacture, ship, import, or sell) a flavored tobacco product into or within the State constitutes doing business without an appropriate license; thus, a violation is a misdemeanor subject to existing penalties.

Senate Bill 177 will help Maryland reduce smoking by deterring the explosive growth in the use of electronic smoking devices (“ESDs”) among Maryland youth. Senate Bill 177 removes tempting flavored tobacco products so that kids do not begin to smoke, which in turn reduces the likelihood of them ever using tobacco. Most adults who smoke or use tobacco started by age 21,¹ and recently there has been a marked increase in youth ESD use: the CDC found that in 2019, over 5 million U.S. middle and high school students used e-cigarettes in the past 30 days, including 10.5% of middle school students and 27.5% of high school students.²

¹ Maryland Dep’t of Health, *Monitoring Changing Tobacco Use Behaviors: Maryland 2000-2016*, 25 (May 2018), available at <https://phpa.health.maryland.gov/ohpetup/Documents/2000%20-%202016%20Legislative%20Report%20Monitoring%20Changing%20Tobacco%20Use%20Behaviors.pdf> (among adult smokers, almost 90% reported that they smoked their first whole cigarette before the age of 21).

² U.S. Centers for Disease Control & Prevention, *About Electronic Cigarettes (E-Cigarettes)* (Jan. 3, 2020), available at https://www.cdc.gov/tobacco/basic_information/e-cigarettes/about-e-cigarettes.html#e-cigarettes-help-adults-quit-cigarettes.

Similarly, the Maryland Department of Health's Youth Risk Behavior Survey found in 2018 that nearly 40% of high school students had tried electronic vapor devices.³

According to the U.S. Surgeon General, ESD use among youth and young adults is now a "epidemic."⁴ Part of the rise of ESD use among youth and young adults is the attraction of flavored ESD products. There is a long history of the tobacco industry using flavored tobacco products to entice kids to use those products and to mask the taste and harshness of tobacco; studies show that youth are more likely than adults to choose flavored cigarettes and cigars.⁵ Menthol cigarettes, which are mint-flavored and more difficult to quit than regular cigarettes,⁶ are disproportionately used by young people and African-Americans: more than half of kids ages 12 to 17 and the majority of African-Americans who smoke use menthol cigarettes, in part because the tobacco industry has aggressively marketed menthol tobacco products to young people and African-Americans, especially in cities.⁷

Senate Bill 177 is aimed at the sellers of flavored tobacco products and does not penalize users of prohibited tobacco products. Further, SB 177 will build on Maryland's robust tobacco enforcement regime, which the forthcoming Alcohol and Tobacco Commission will continue to strengthen. Local agencies also take part in tobacco enforcement: they enforce in-store at the point of sale, conduct compliance checks using underage youth, and conduct checks with youth who use their own real government-issued ID.⁸ Although no single bill can solve the complex and widespread issue of youth smoking and black markets for tobacco products, SB 177 will be an important additional component of Maryland's efforts to reduce the availability of tempting tobacco products to youth.

Although SB 177 may reduce tobacco excise tax revenue, banning flavors, and the concomitant reduction in smoking, will prevent future greater expenditures on health care by reducing the number of smokers or e-cigarette users. Maryland already spends far in excess on tobacco-related health care than it receives from tobacco tax revenues: in 2019, Maryland took in

³ See Maryland Dep't of Health, *The Maryland Youth Risk Behavior Survey & Youth Tobacco Survey 2018-2019, Maryland High School Survey*, Detail Tables 49 (2019), available at <https://phpa.health.maryland.gov/ccdpc/Reports/Documents/2018%20YRBS%20YTS%20Reports/Maryland/2018MDM%20Detail%20Tables.pdf> (39.7% of high schoolers reported using an electronic vapor product).

⁴ U.S. Dep't of Health & Human Servs., Office of the Surgeon General, *Surgeon General releases advisory on E-cigarette epidemic among youth* (Dec. 18, 2019) (citing data from the Centers for Disease Control and Prevention and the Food and Drug Administration's National Youth Tobacco Survey showing that the percentage of high school-age children reporting past 30-day use of e-cigarettes rose by more than 75 percent between 2017 and 2018, and use among middle school-age children also increased nearly 50 percent).

⁵ *Id.* at 11.

⁶ Truth Initiative, *Menthol cigarettes: Attitudes, beliefs and policies* (May 9, 2018), available at <https://truthinitiative.org/research-resources/traditional-tobacco-products/menthol-cigarettes-attitudes-beliefs-and-policies>.

⁷ U.S. Centers for Disease Control & Prevention, Office on Smoking & Health, *Menthol and Cigarettes* (Aug. 1, 2019), available at https://www.cdc.gov/tobacco/basic_information/tobacco_industry/menthol-cigarettes/index.html.

⁸ Comptroller of Maryland, *Tobacco Enforcement: A Local Agency Perspective 2* (Jan. 27, 2020), available at <https://www.marylandtaxes.gov/forms/etaskforce/County-Depts-of-Health01-27-2020.pdf>.

approximately \$356 million in tobacco revenue⁹—a large amount of money that nevertheless pales in comparison to the \$2.7 billion that Maryland spends annually on medical costs to treat cancer and diseases caused by smoking.¹⁰ Medical costs are and will be far greater than any amount of revenue the State takes in through tobacco revenue.

Finally, some of those against SB 177 claim that it will push ex-smokers who switched to flavored vaping back to smoking cigarettes or cigars, more harmful addictions. Notably, ESDs are not smoking cessation products, which require FDA approval after a review process. The FDA has never approved ESDs as an aid to quit smoking and ESDs may, in fact, expose users to some of the same toxic chemicals found in combustible cigarette smoke.¹¹ ESDs cannot have it both ways: either they are an FDA-approved smoking cessation device or, because they contain nicotine, they are a harmful product. Although many adults report using ESDs to try to quit smoking combustible cigarettes, data show that most adult ESD users do not stop smoking cigarettes and instead continue to use both products.¹² A recent longitudinal study in the American Journal of Preventative Medicine found that not only were ESDs harmful on their own with effects independent of smoking conventional tobacco, dual users get the combined risk of ESDs and conventional cigarettes, leaving users worse off than tobacco smokers.¹³

Senate Bill 177 will be an important part of Maryland’s fight against youth tobacco use by reducing the availability of flavored tobacco products that are designed to attract our youngest and most vulnerable citizens. Given the urgent health concerns associated with youth tobacco usage and the unique threat of flavored tobacco products, we ask that this Committee return a favorable report on SB 177.

cc: Finance Committee Members

⁹ Comptroller of Maryland, *Alcohol & Tobacco Tax Annual Report Fiscal Year 2019*, at 23, available at https://marylandtaxes.gov/forms/compliance_forms/AnnualReportFY2019.pdf (reporting that Maryland received \$315,294,028 in cigarette tax revenue and \$41,320,813 in other tobacco products tax revenue).

¹⁰ Maryland Dep’t of Health, *Monitoring Changing Tobacco Use Behaviors: 2000-2016, Summary Report*, 2, available at https://phpa.health.maryland.gov/ohpetup/Documents/2000-2016%20Summary%20Report_Monitoring%20Changing%20Tobacco%20Use%20Behaviors.pdf.

¹¹ U.S. Food & Drug Admin., “Fact or Fiction: What to Know About Smoking Cessation and Medications,” (Mar. 28, 2019), available at <https://www.fda.gov/consumers/consumer-updates/fact-or-fiction-what-know-about-smoking-cessation-and-medications> (stating that there are only three different types of medications approved by the FDA to help smokers quit—nicotine replacement therapies, bupropion, and varenicline).

¹² U.S. Centers for Disease Control & Prevention, *About Electronic Cigarettes (E-Cigarettes)* (Jan. 3, 2020), available at https://www.cdc.gov/tobacco/basic_information/e-cigarettes/about-e-cigarettes.html#e-cigarettes-help-adults-quit-cigarettes.

¹³ Bhatta & Glantz, “Association of E-Cigarette Use With Respiratory Disease Among Adults: A Longitudinal Analysis,” *AM. J. PREVENTATIVE MED.*, vol. 58(2): 182–190 (Dec. 19, 2019), available at [https://www.ajpmonline.org/article/S0749-3797\(19\)30391-5/fulltext#articleInformation](https://www.ajpmonline.org/article/S0749-3797(19)30391-5/fulltext#articleInformation).

MCHI_FAV_HB177.pdf

Uploaded by: Kirk Robins, Catherine

Position: FAV



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**TESTIMONY IN SUPPORT OF SENATE BILL 177
BEFORE THE SENATE FINANCE COMMITTEE**

Catherine Kirk Robins, Deputy Director of the Maryland Citizens' Health Initiative, Inc.
January 28, 2021

Madam Chair and Members of the Committee, I am writing to you on behalf of the Maryland Citizens' Health Initiative in support of Senate Bill 177 (SB 177). Tobacco use and its deadly impacts are nothing short of an epidemic, and we thank you for your consideration of this lifesaving legislation.

For decades, Big Tobacco has targeted Black and brown communities with their predatory marketing of flavored tobacco products, particularly menthol. Flavored tobacco is also heavily marketed towards children in an effort to establish life-long nicotine addictions. With over 15,000 products on the market, flavored tobacco poses a direct risk to the well-being of Maryland residents and the health of future generations, and it is critical that we take action.

Under the leadership of the General Assembly, Maryland has taken innovative and proactive steps to improve the health and well-being of our residents. We urge you to support the passage of SB 177, as a clean bill, to continue this tradition and prevent unnecessary future suffering caused by tobacco use.

SB 177 Menthol and Flavors - TFK Written Testimony

Uploaded by: Kissell, Meghan

Position: FAV



Written Testimony of:

Meghan Kissell

Director of Advocacy – Maryland

Campaign for Tobacco-Free Kids

In Support of SB 177: Business Regulation - Flavored Tobacco Products - Prohibition

Before the:

Senate Finance Committee

Annapolis, MD

January 28, 2021

The Campaign for Tobacco-Free Kids submits these written comments in support of SB 177: Business Regulation - Flavored Tobacco Products - Prohibition. This bill, which would ban the sale of all flavored tobacco products in Maryland, would have a dramatic impact on reducing tobacco among youth, and would help curb the long-term illness, disease and death caused by tobacco addiction across the state. The Campaign for Tobacco-Free Kids is the nation's largest non-profit, non-governmental advocacy organization solely devoted to reducing tobacco use and its deadly toll by advocating for public policies that prevent kids from using tobacco, help smokers quit and protect everyone from secondhand smoke.

Maryland has long been a national leader in its commitment to reducing the death and disease from tobacco use, so it is heartening to see that you continue to take thoughtful, evidenced-based steps to reduce the number of kids who start using tobacco and help tobacco users quit. Even though Maryland has made great strides in reducing tobacco use, tobacco use remains the number one preventable cause of premature death and disease in Maryland and the nation, killing over 7,500 residents every year.¹

Prohibiting the sale of all flavored tobacco products, including menthol cigarettes and flavored cigars and e-cigarettes, is a critical step that will help protect Maryland kids from the unrelenting efforts of the tobacco industry to hook them to a deadly addiction. Flavored tobacco products are designed to alter the taste and reduce the harshness of tobacco products so they are more appealing and easy for beginners, who are almost always kids. Nationally, seven out of ten current middle and high school tobacco users—a total of over 3.2 million youth—have used a flavored tobacco product in the past month.²

Flavored Tobacco Products Are Pervasive

A 2009 federal law, the Family Smoking Prevention and Tobacco Control Act, prohibited the sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy and fruit flavors. While overall cigarette sales have been declining since the 2009 law, the proportion of smokers using *menthol* cigarettes (the only remaining flavored cigarette) has been increasing.³ Menthol cigarettes comprised 35 percent of the market in 2016.⁴

The Tobacco Control Act's prohibition on characterizing flavors did not apply to other tobacco products, and as a result, tobacco companies have significantly stepped up the introduction and marketing of flavored non-cigarette tobacco products. In fact, the overall market for flavored tobacco products is actually growing. In recent years, there has been an explosion of sweet-flavored tobacco products, especially e-cigarettes and cigars. These products are available in a wide assortment of flavors – like gummy bear, cotton candy, peanut butter cup, cookies 'n cream and pop rocks for e-cigarettes and chocolate, watermelon, lemonade and cherry dynamite for cigars. Tobacco companies are making and marketing deadly and addictive products that look and taste like a new line of flavors you would expect to see at the candy display at Lucky's in Inner Harbor. (See Appendix for examples).

As of 2017, researchers had identified more than 15,500 unique e-cigarette flavors available online.⁵ Flavors are not just a critical part of the product design but are a key marketing ploy for the industry. The 2016 Surgeon General Report on e-cigarettes concluded, "E-cigarettes are marketed by promoting flavors and using a wide variety of media channels and approaches that have been used in the past for marketing conventional tobacco products to youth and young adults."⁶ The 2016 National Youth Tobacco Survey found that 78.2 percent of middle and high school students—20.5 million youth—had been exposed to e-cigarette advertisements from at least one source, an increase from 68.9 percent in 2014.⁷

Nearly one in four Maryland high school students currently use e-cigarettes — a rate five times higher than adults. Not surprisingly, 80 percent of young people who have ever used tobacco started with a flavored product. While tobacco companies claim to be responding to adult tobacco users' demand for variety, it's clear that flavored tobacco products play a key role in enticing new users, particularly kids, to

a lifetime of addiction. This growing market of flavored tobacco products is undermining Maryland's progress in reducing youth tobacco use.

Flavored Cigars Remain Popular Among Youth, Especially African Americans

While youth cigarette smoking reached a record low (5.8%) in the U.S. in 2019, there has been no significant decrease in cigar smoking since 2014. More youth smoke cigars today than cigarettes and flavored cigars are a big part of the problem. Today, 7.6% of U.S. high school students smoke cigars. Rates are higher among boys (9.0%) and among African Americans (12.3%).⁸ In Maryland, 10.9% of high school boys are current cigar smokers.⁹

A primary reason for the popularity of cigars among youth: flavors. In fact, 73.8% of youth cigar smokers smoked cigars "because they come in flavors I like."¹⁰ There are over 250 cigar flavors, including of "Banana Smash," Brownie, and Strawberry Kiwi. Cheap, sweet cigars can serve as an entry product for kids to a lifetime of smoking.¹¹ The top five most popular cigar brands among 12- to 17-year olds who have used cigars – Black & Mild, Swisher Sweets, White Owl, Backwoods, and Dutch Masters – all come in flavor varieties.¹² These products are often sold singly or can be priced as low as 3 or 4 for 99 cents, making them even more appealing to price-sensitive youth.

Menthol Cigarettes Increase Youth Tobacco Use

Most insidious among flavored tobacco is menthol. Menthol delivers a pleasant minty taste and imparts a cooling and soothing sensation. These characteristics successfully mask the harshness of tobacco, making it easier for beginner smokers and kids to tolerate smoking. Tobacco companies have long known that menthol cigarettes reduce the harshness of their products and make them easier to use by new users, almost all of whom are under age 18.¹³

Flavors hook kids and no flavor hooks more kids than menthol cigarettes. They are the single greatest entryway to cigarette smoking. Just like other flavored tobacco products, youth smokers are more likely to use menthol cigarettes than any other age group:

- Half (50.1%) of youth who have ever tried smoking initiated with menthol flavored cigarettes.¹⁴
- Over half (54 percent) of current youth smokers ages 12-17 continue to use menthol cigarettes, compared to less than one-third of smokers ages 35 and older.¹⁵
- people who initiate smoking using menthol cigarettes are more likely to become addicted and become long-term daily smokers.¹⁶

The FDA's Tobacco Products Scientific Advisory Committee (TPSAC) concluded that menthol cigarettes increase the number of children who experiment with cigarettes and the number of children who become regular smokers, increasing overall youth smoking. After a thorough review of the evidence, TPSAC concluded that "Removal of menthol cigarettes from the marketplace would benefit public health in the United States."¹⁷

The Tobacco Industry Targets African Americans and Youth with Menthol Cigarette Marketing

Tobacco industry marketing, often targeted at minority communities, has been instrumental in increasing the use of menthol products and in the disproportionate use of menthol products by minority groups and youth. TPSAC concluded that menthol cigarettes are marketed disproportionately to younger smokers and African Americans.¹⁸ Dating back to the 1950s, the tobacco industry has targeted these communities with marketing for menthol cigarettes through sponsorship of community and music events, targeted magazine advertising, youthful imagery, and marketing in the retail environment. This targeting continues today:

neighborhoods with predominantly African American residents have more tobacco retailers and Newport cigarettes are priced cheaper in those neighborhoods.¹⁹ As a result of this targeting, 85 percent of African American smokers smoke menthol cigarettes, compared to 29 percent of white smokers.²⁰

Menthol Cigarettes Led to a Disproportionate Health Burden for African Americans

The tobacco industry's "investment" in the African American community has had a destructive impact. In 2013, the FDA released a report finding that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction, and decreased success in quitting smoking.²¹ Lung cancer is the second most common cancer in both African American men and women, but it kills more African Americans than any other type of cancer.²² In Maryland, African American men are more likely to be diagnosed with and die of lung cancer than any other demographic group and suffer heart disease at a rate 56 percent higher than white Marylanders.

Conclusion

Parents, school officials, and health care providers from across the country have recognized that a new generation of young people are becoming addicted to nicotine with potentially devastating long-term consequences. In addition, largely because of the marketing of flavored cigars and menthol cigarettes, higher rates of smoking and other forms of tobacco use persist among populations the tobacco industry has targeted, especially African Americans, burdening these communities with higher rates of cancer, heart disease, and pulmonary disease attributable to tobacco use. These challenges will not go away absent strong, clear and decisive action.

The scientific evidence leaves no doubt that menthol cigarettes and other flavored tobacco products increase the number of people, particularly kids, who try the product, become addicted and die a premature death as a result. Prohibiting the sale of menthol cigarettes and other flavored tobacco products is an important step toward protecting our children from the tobacco industry's aggressive efforts to hook children to a deadly, addictive product.

This issue is quite simple—it is about common sense and protecting our kids and populations that tobacco industry has targeted and continues to target. We implore you to do what is right for our kids, and to do what is right for Marylanders across the state and end the sale of all flavored tobacco.

⁶ HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

⁷ Marynak, K., et al., "Exposure to Electronic Cigarette Advertising Among Middle and High School Students—United States, 2014–2016," *MMWR* 67(10): 294–299, March 16, 2018, <https://www.cdc.gov/mmwr/volumes/67/wr/pdfs/mm6710a3-H.pdf>.

⁸ CDC, "Tobacco Product Use and Associated Factors Among Middle and High School Students—United States, 2019," *MMWR*, 68(12), December 6, 2019, <https://www.cdc.gov/mmwr/volumes/68/ss/pdfs/ss6812a1-H.pdf>

⁹ CDC, "Youth Risk Behavior Surveillance—United States, 2017," *MMWR*, 67(8), June 15, 2018.

<https://www.cdc.gov/healthyyouth/data/yrbs/pdf/2017/ss6708.pdf>.

¹⁰ Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12–17 Years, 2013–2014," *Journal of the American Medical Association*, published online October 26, 2015.

¹¹ Delnevo, CD, et al., "Changes in the mass-merchandise cigar market since the Tobacco Control Act," *Tobacco Regulatory Science*, 3(2 Suppl 1): S8–S16, 2017.

¹² SAMHSA's public online data analysis system (PDAS). National Survey on Drug Use and Health, 2015,

https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?row=CGR30BR2&column=CATAG2&weight=ANALWT_C&results_received=true.

¹³ HHS, Preventing Tobacco Use Among Youth and Young Adults, A Report of the Surgeon General, 2012,

<http://www.cdc.gov/Features/YouthTobaccoUse/>.

¹⁴ Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12–17 Years, 2013–2014," *Journal of the American Medical Association*, published online October 26, 2015

¹⁵ Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, published online October 20, 2016

¹⁶ TPSAC, FDA, "Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations, 2011,

<https://wayback.archiveit.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>.

¹⁷ Tobacco Products Scientific Advisory Committee (TPSAC), *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011

<http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>.

¹⁸ TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.

¹⁹ See e.g., Rodriguez, D, et al., "Predictors of tobacco outlet density nationwide: a geographic analysis," *Tobacco Control* 22(5):349–55, 2013. Lee, JG, et al., "Inequalities in tobacco outlet density by race, ethnicity and socioeconomic status, 2012,

USA: results from the ASPIRE Study," *Journal of Epidemiology and Community Health* 71(5):487–492, 2017. Henriksen, L, et al., "Targeted Advertising, Promotion, and Price for Menthol Cigarettes in California High School Neighborhoods," *Nicotine & Tobacco Research* 14(1):116–21, 2012. Moreland-Russell, S, et al., "Disparities and Menthol Marketing: Additional Evidence in Support of Point of Sale Policies," *International Journal of Environmental Research and Public Health*, 10: 4571–4583, 2013.

²⁰ Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, published online October 20, 2016.

²¹ FDA, *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes*, 2013.

²² American Cancer Society, "Cancer Facts & Figures for African Americans, 2016–2018," 2016,

<http://www.cancer.org/acs/groups/content/@editorial/documents/document/acspc-047403.pdf>.

Steve Kohn testimony for Senator Washington SB0177

Uploaded by: Kohn, Steve

Position: FAV

MR. AND MRS. STEVEN KOHN
13600 AQUA LANE, ROCKVILLE, MARYLAND 20850-3632
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January 17, 2021

Dear Senator Washington,

I am writing to you on behalf of PAVe (Parents Against Vaping E-cigarettes) and also as a small business owner (17 years have owned a home health agency in Rockville) to support SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition" and to extend our appreciation to the Committee for giving this issue the time and consideration it deserves. We encourage you to pass a clean bill that protects our children and communities from a toxic product that kills 7,500 people in Maryland each year and is actively hooking an entirely new generation of kids.

I have been asked to share with you the experience we've had with our son's use of flavored vaping products and the effect it has had on him ever since he started using the sweet tasting products in high school. Michael is currently a junior student athlete, division 1 baseball player at a university in Connecticut near New York City but his journey with vaping and nicotine addiction began junior year of high school. I urge the state of Maryland and every other state for that matter to ban the sale of these intoxicating, flavored vaping products. As a business owner, I understand how these "vaping shops" wish to remain in business and do not want the interference of the government in their businesses. However, I believe we have to draw the line when it comes to the health of our fellow Marylanders, especially our youth who are being sucked into this addiction with sweet smelling and tasting substances that do nothing but harm them and addict them to nicotine in some cases for years. It has to stop.

As a college freshman in 2018, Michael entered his college locker room with the anticipation and excitement of what his career as a collegiate baseball player might be. Unbeknownst to him (and us and the other parents of these players) was that the entire team (save for 2 or 3 players out of 32) was regularly using JUUL brand devices with the various flavored pods. They smoked in the locker room, in between classes, in their dorms, and to my horror they SMOKED IN THE DUGOUT DURING BASEBALL GAMES and PRACTICES! As a freshman and wanting to "fit in" (I suppose) my son gave in to the regular vaping sessions that apparently were common place with his teammates. He had already participated in vaping at parties in high school which seemed to be extremely commonplace among his friends. However this new "team" atmosphere in college made it all the more appealing (I'm guessing) and his frequency of use ramped up and he quickly became hooked. He didn't bomb out of school or perform poorly on the team (luckily).... He actually had a decent first year of college, but when asked to quit we got nothing but "appeasement speak" (another way to say B.S.) from our son who would basically just lie to get us off his back. This was the first inkling of how strong this addiction to the purest form of nicotine in these JUUL pods can be because he was never usually very oppositional and has a pleasant, friendly personality....but these products changed that significantly. He also had a persistent cough while using the vaping products and he sometimes still does cough after exertion because of his compromised lungs.

We tried using a nicotine patch on him after he "agreed to quit" but again this was lip service. Even though he tried using the patch a couple times (complained of stomach pains and G.I. problems which we attributed to nicotine withdrawal---so that's why he agreed to try the patch) he apparently never stopped vaping. The patch is ineffective if the person wearing it doesn't really truly want to quit.... He continued to vape even while wearing the patch which we told him was just foolish. It actually INCREASED the amount of nicotine entering his system having a patch on and vaping!! This was just such a dumb

decision on his part. So at that time we were at a desperate crossroads with a kid who was about to enter his sophomore year of college and who claimed he didn't have a problem with JUULing. In his athletics he was poised to begin a potentially breakout baseball season in his sophomore year and yet didn't seem to want to stop vaping. My wife is a medical professional (nurse practitioner) and we have studied the effects of nicotine addiction and are extremely concerned about his health and his potential for OTHER addictions which is certainly a possibility. The nicotine addiction is subtle yet extremely powerful for young people and it seems to help Michael deal with some underlying anxiety he has had as a freshman and just in general. But now it appears to have become a habit which I attribute to the strong appeal of the sweet taste of the various "flavors" that are available on the market and which appeal directly to young people. We have no idea how often he vaped in high school or as a freshman but he claims (could be lying again) that he has "cut back" significantly. It definitely affected his mood, his personality, he became angry very quickly without prompting, irritable for no reason, and often would leave the house during semester or summer break because he probably needed to go vape. It's something that is hard to verify except for the occasional devices and paraphernalia that we found in the car or in his room. But when he is away at college you cannot tell what is going on of course.

As news of people becoming gravely ill (and even dying) over vaping spread across the country, the baseball team began to discuss among themselves (according to my son) the idea of cutting back the vaping and trying **nicotine pouches**. This would avoid the inhaling of vapor and chemicals into the lungs but would still satisfy their craving and addiction to the nicotine. My son said he was using the pouches exclusively toward the end of last school year and during baseball season. He said by popping a pouch in his mouth it calmed him down and gave him the ability to focus better and do better as a batter at the plate during hitting. We know that we have been lied to by him and the other players throughout this situation. Addicts in general are generally good liars to protect their addiction and nicotine addiction is no different than any other addition. We just took his words for face value at the time.

We can't really bring this up to his coach because the coach "dips" tobacco himself as do a couple of the assistance coaches which is fairly common in the baseball community unfortunately. So our concerns would likely fall on deaf ears, but in college you can't really NARC your kid out if you want him to remain on the team and still play ball. He would be shunned by the team. If we do it anonymously we doubt anything would happen. We believe that this problem is not isolated to this particular baseball team or this sport or this program. It's rampant across the country among boys and girls according to my son and his friends.

At the time, we were seriously considering pulling the rug out from under him (no college, no car, no baseball, no financial support whatsoever) unless he stopped 100%. Not sure how feasible that would have been or if the punishment appropriately would have met the crime in this case. We brought him to an allergist during semester break and it was determined that he had a few allergies to mold and other things and I brought up the topic of vaping to the doctor who positively insisted that it would be the WORST possible thing he could do for himself and his lungs. We rode his case and we think he finally got the message.

He got the flu over the fall and at the same time was having nicotine withdrawal because he wasn't able to vape. We got him a nicotine patch kit to use and that worked for a couple of days, then he became very ill from the patch and just didn't feel right. So he stopped using the patch and from this point on we think he has STOPPED vaping! At least he's been bragging to us about stopping and also to his two older brothers. This was all just before the COVID-19 pandemic broke out across the country.

Interestingly enough we heard Michael tell another young person, "Don't ever try it! Don't even get started!" when talking about vaping----he clearly understands it's wrong/harmful and we are hopeful that he has truly stopped using the devices. He continues to use the nicotine pouches and does not seem to

want to quit using them. He seems to like the stimulant effect that they give him and he thinks that they are relatively "safe" especially when compared to vaping products. We are not pleased. He is clearly addicted to nicotine and it is all because of his initial experience with vaping. His lungs had already become compromised from the JUULing when the pandemic hit. He tested positive for the COVID 19 virus after he went back to school in the fall of 2020 when many of his teammates got the virus. He came home at Thanksgiving having just quarantined 14 days after testing positive. You can imagine the horror we felt when we heard he had tested positive with already compromised lungs. He had some difficulty breathing and lost his sense of taste and smell, but fortunately for him, he had only a mild case....but even today which is several months later, his sense of taste is not 100 percent and when he exerts himself during strenuous exercise he often gets nauseous and vomits and has a hard time breathing. We put him on nebulizer treatments to calm down his lungs, which seemed to help, but there is obviously residual damage from the vaping he was doing back during high school and freshman year of college.

As a D1 athlete who is mostly concerned about beating out his teammates for playing time and becoming the best he can be at his craft so that maybe he could be drafted in professional baseball someday, we thought it would be a no brainer to stay away from harmful products like JUUL, but apparently "EVERYONE IS DOING IT!" Unfortunately, we believe this is true.

Thank you for taking time to hear our situation. We are hopeful and optimistic about the fact that he has truly stopped but we remain concerned for him and even for his friends and teammates. This week he heads back to school for second semester of his junior year and the beginning of baseball season which has been delayed to March because of COVID. We are fairly certain he will continue to use the pouches. I am not sure if he will ever use a vaping product again but I also know that he occasionally has smoked THC and/or marijuana because so many of the kids (and many adults) believe that it's no big deal....again, proof that vaping and nicotine use can become a gateway to the use of other recreational drugs. We realize how "LUCKY" we are with our son in that he hasn't bottomed out from the use of these products, however, it is still a concern and is something that he uses to "medicate" his anxiety. We appreciate your efforts to get these products (especially the flavored ones that attract young people) out of the hands of young people who just do not understand how addictive they are and how difficult it is to get off the product.

With Regards,

Steve Kohn
(301) 529-1174 cell
Stevenkohnmcm@aol.com

Written Testimony Letter_Koudounas.pdf

Uploaded by: KOUDOUNAS, ARIANNA

Position: FAV

January 26, 2021

Testimony on SB 177 / HB 134
Fight Flavored Tobacco in Maryland

Position: Favorable

Arianna Koudounas supports SB 177/HB 134.

SB 177/HB 134 is legislation that would end the sale of all flavored tobacco products in Maryland, including electronic smoking devices, menthol cigarettes, flavored cigars, and smokeless tobacco. We urge passage of a bill without amendments, free from the type of regulatory loopholes Big Tobacco has exploited for decades.

Flavored tobacco products lure kids into a life-long struggle with deadly addiction, hooking them on products in flavors like minty menthol, glazed donut, gummy bear, and cotton candy.

For decades, the tobacco industry has targeted Black and Brown communities with their predatory marketing of flavored tobacco products, namely menthol cigarettes. As a result, a staggering 85 percent of all African American smokers smoke menthol cigarettes, resulting in a disproportionate burden of tobacco-related disease and death. African Americans are more likely to die from tobacco-related causes than any other race or ethnic group.

When my dad was in the military, he became hooked on cigarettes due to the free cartons provided to each soldier, so clearly aimed at getting the next generation addicted. Big Tobacco is ruthless. I live in a community full of Black and Brown people with asthma. Smoking does tremendous harm to all bodies, especially young bodies that are still developing. So why on earth would we encourage the sale of products that make smoking more appealing, especially for our youth? Save our children, save our communities – support SB 177/HB 134.

The Faith & Community Against Flavored Tobacco coalition's mission is to stop Big Tobacco from targeting Maryland's children and Black and Brown communities.

To protect the health and futures of Maryland's youth, we must end the sale of **all** flavored tobacco products in Maryland. Urge Maryland legislators to vote yes on SB 177 and HB 134.

Sincerely,
Arianna Koudounas
Resident of Madison Park, Baltimore City, Maryland

Elissa Lou Anti-Flavored Tobacco Senate Written Te

Uploaded by: Lou , Elissa

Position: FAV

January 28, 2021

Dear Chair Kelley and Members of the Senate Finance Committee:

I am writing to you on behalf of the Maryland Youth Against Flavored Tobacco (MD YAFT) Coalition and MoCo for Public Health to support SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition" and would like to thank you for taking the time to review this issue. Our coalition is composed of many youth-led organizations with both county-wide groups such as the Montgomery County Student Government Association (MCR-SGA) and state-wide groups such as Maryland Youth For Change.

After conducting research in my personal time about the adverse effects of flavored tobacco and witnessing what it does to the youth in my generation I feel compelled to voice my opinion on this issue, and hopefully give some insight on the situation at hand. E-cigarettes and flavored tobacco products are known to have consequences such as lung problems and impeded brain development. Although these products are used by a range of age groups, the bulk of the advertisements heavily targets teenagers as they can be easily manipulated by social constructs about what is "cool" or "popular." Social factors play a tremendous role in lack of judgement and tobacco companies are taking advantage of that by enticing the youth through the addition of cotton candy, popcorn, donut and sweet flavoring into their products.

I've personally seen how teens are easily drawn into new trends with the effort to fit into society and even though I've never been attracted to tobacco products, I've seen myself fall into the trap of trends. It is inevitable that teenagers feel the need to fit into society by conforming to its standards, and acts such as vaping and the usage of flavored tobacco products is a prime example. I've seen clips of my friends using a vape or JUUL on their Snapchat stories and wish they weren't sucked into temptation. I know that they feel cool when doing it because tobacco companies have made such a strong effort to make sure that's what they believe. There have been many times when I've walked into a bathroom at my high school and even middle school during a class period and saw a group of girls skipping class to vape. To my surprise I would be greeted with sweet scents and vapor in my face. My first thoughts went to concerns about their health because I've grown to learn about the negative health problems vapes can produce, but my second thought went how they were skipping class just to vape. Their education was being affected, but I wasn't sure I could blame them. Tobacco companies have decided to place a target on their back and once that shot is fired it leaves a scar of addiction.

E-cigarettes and vapes such as JUUL contain nicotine which makes the products highly addictive and can mess with brain function. In many cases, the person knows how bad the products are for them, but are incapable of quitting. Teenagers with immense amounts of potential to succeed can fall behind because of addiction and although there is a legal age limit in place for the use of these products, it doesn't make them significantly less accessible for young people. I would dread seeing another one of my close friends or peers fall into this lifestyle.

7,500 people in Maryland die each year because of a tobacco-related cause. That means 7,500 lives in Maryland are on our hands if we choose not to do anything about this issue. I understand many of you might have a differing opinion or have made commitments on how you will vote on this bill, but I ask you to look into the hardships these products are placing on residents in Maryland and consider how many lives we can save by passing this bill; how many lives YOU can save. Please support the passage of the SB 177 bill. Lives and futures depend on it.

Respectfully Submitted,

Elissa Lou
MoCo for Public Health
Maryland Youth Against Tobacco Coalition

CNH MDSB0177 Written Testimony -M. Magyar -1.26.21

Uploaded by: Magyar, Matthew

Position: FAV



111 Michigan Ave NW
Washington, DC 20010-2916
ChildrensNational.org

Written Statement of Matthew Magyar, MD
Children's National Hospital
on
SB0177 Flavored Tobacco Products - Prohibition

Good Morning. For the record my name is Matthew Magyar and I am a Pediatric Hospitalist at Children's National Hospital (Children's National). I am also currently enrolled in the Master of Public Health program at George Washington University. Children's National has been serving the nation's capital since 1870 and is proud to be named among the Top 10 children's hospitals by *U.S. News & World Report* Best Children's Hospitals survey. In my current role as a pediatric hospitalist, I provide care to children who require hospitalization for continued treatment for illness ranging from the common cold to significant bacterial infections and respiratory distress.

In the recent past, among the patients to whom I provided care was an adolescent female admitted for significant airway swelling and difficulty breathing. In the course of her treatment, she required multiple hospitalizations and invasive procedures while also receiving courses of antibiotic medication and intravenous fluid supplementation as her throat inflammation was severe enough to inhibit oral intake. The patient's medical history was almost completely unremarkable except she did admit to "vaping" utilizing a Juul device, a popular electronic delivery system for flavored nicotine. Through consultation with specialists and process of elimination we determined this was the likely source of her illness. Over time, her condition improved and she was eventually discharged home safely with the advice to abstain from further use of electronic smoking devices.

Children's National supports SB0177/HB0134 because electronic smoking devices' popularity has grown rapidly among the young adult population, and flavored nicotine played a role in that growth. As

you may know, the Centers for Disease Control (CDC) and Food and Drug Administration (FDA) release an annual survey on adolescent tobacco habits known as the National Youth Tobacco Survey (NYTS), “a school-based survey that collects information on tobacco use from middle school (grades 6-8) and high school (grades 9-12) students. NYTS includes measures on tobacco-related behaviors, attitudes, beliefs, and exposure to pro- and anti-tobacco influences.”¹ In a recent survey they assessed why young adults used e-cigarettes and the top two reasons were (1) use by friends and family and (2) the availability of flavors. In 2020, the NYTS showed that not only do over 3.6 million U.S. youth use electronic cigarettes, but more than 8 out of 10 do so with flavored products.¹ Surveys show that among high schoolers, flavors such as mint or fruit vastly outweigh the popularity of traditional tobacco flavor.² Flavoring expands the appeal of electronic devices and thus expands the reach of nicotine. I should also note that the third most popular reason adolescents use e-cigarettes is that they perceive them to be less harmful than other forms of tobacco and while that may be true to some extent, as I saw with my patient, less harmful does not equate to harmless. Moreover, studies, including one by the National Academies of Sciences, Engineering, and Medicine (NASEM) have shown evidence that e-cigarettes use among young adults increases the risk of ever smoking combustible (i.e. traditional) cigarettes which have their own health consequences.³ In Maryland alone, we know that 23% of high school students currently use e-cigarettes, a rate five times higher than adults.⁴ Despite age restrictions around these products, this shows there is still room to improve from a public health standpoint.

I am particularly heartened to see that SB0177/HB0134 includes menthol among the flavor ban. Over time, the Black and Brown communities have been carefully targeted through menthol cigarette advertising, product discounts, and giveaways. As a result, the amount of African-American smokers smoking menthol has jumped from 5% in 1952 to nearly 85% today. As with any flavoring, menthol can mask the harsh taste of tobacco and make it more palatable to consume, especially for newer users, such

as our adolescent population. By reducing irritation, it can allow individuals to inhale both deeper and longer leading to increased nicotine consumption over time.

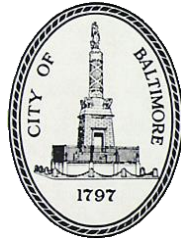
There is still much we have to learn as a field about nicotine flavoring, electronic devices, and their collective effects on the developing mind and body - this is a relatively new area of study – but in the interim, a cautious approach is worthwhile. The American Academy of Pediatrics endorses this view, recommending “age restrictions, taxes, bans on advertising to youth, and bans on flavored products that are particularly attractive to youth.”⁵ Limiting access to flavored tobacco products, whether via electronic nicotine devices or more traditional means, is an important public health measure that will likely reduce downstream medical complications for the pediatric population including hospitalizations and prolonged illness. Thank you for the opportunity to testify on SB0177/HB0134 and I am happy to answer any questions you may have!

1. Youth Tobacco Use: Results from the National Youth Tobacco Survey. U.S. Food and Drug Administration website <https://www.fda.gov/tobacco-products/youth-and-tobacco/youth-tobacco-use-results-national-youth-tobacco-survey#2>. Updated December 22, 2020. Accessed January 26, 2020.
2. Kaplan S. Juul Ends E-Cigarette Sales of Mint-Flavored Pods. The New York Times website <https://www.nytimes.com/2019/11/07/health/vaping-juul-mint-flavors.html>. November 7, 2019. Accessed December 27, 2019.
3. The National Academies of Sciences, Engineering, and Medicine. Public health consequences of e-cigarettes. Consensus study report. Highlights. www.nap.edu/resource/24952/012318ecigaretteHighlights.pdf(www.nap.edu). Accessed January 26, 2020.
4. The Toll of Tobacco in Maryland. Campaign for Tobacco-Free Kids. <https://www.tobaccofreekids.org/problem/toll-us/maryland>. Updated October 20, 2020. Accessed January 26, 2020.
5. The American Academy of Pediatrics Issues Sweeping Recommendations on Tobacco and E-Cigarettes. American Academy of Pediatrics website . 2019. Accessed January 26, 2020.

SB0177-FIN-FAV.pdf

Uploaded by: Mehu, Natasha

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB 177

January 28, 2021

TO: Members of the Finance Committee

FROM: Natasha Mehu, Director of Government Relations

RE: SENATE BILL 177 – BUSINESS REGULATION - FLAVORED
TOBACCO PRODUCTS - PROHIBITION

POSITION: SUPPORT

Chair Kelley, Vice Chair Feldman, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 177.

SB 177 would prohibit holders of licenses to manufacture, sell, buy, and store cigarettes, other tobacco products, and electronic smoking devices to manufacture, ship, import, or sell flavored tobacco products.

Tobacco use remains the leading cause of preventable death in the U.S. It is known to cause cancer, heart disease, and respiratory disease, among other health disorders, and costs the U.S. as much as \$170 billion in health care expenditures each year. The Campaign for Tobacco- Free Kids reports that each day, more than 250 kids under the age of 18 become regular, daily smokers and almost one third will eventually die from smoking related illness.ⁱ In 2017, 8.2 percent of Maryland’s high school students responding to the Behavioral Risk Factor Surveillance System (BRFSS) smoked on at least one day in the past 30 days.ⁱⁱ

Tobacco use disproportionately affects many marginalized populations including people in low-income communities, racial and ethnic minorities, LGBTQ individuals, and those with mental illness. Research by the “Truth Initiative” shows that more tobacco retailers exist in areas with higher concentrations of Black, Hispanic, and low-income populations and that tobacco companies strategically market to these groups.ⁱⁱⁱ

The use of flavors in tobacco and tobacco products is a primary means of attracting new and minority users to said products. Menthol or mint flavors are of particular concern. The Food and Drug Administration notes that “the weight of evidence supports the

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<https://mogr.baltimorecity.gov/>*

conclusion that menthol in cigarettes is likely associated with increased initiation and progression to regular cigarette smoking.”^{iv} Moreover, menthol dulls sensation in certain sensory nerves making tobacco and tobacco products more palatable.^v This effect is especially pronounced in the African American community which has a genetic predisposition toward irritation when inhaling smoke or vapors from tobacco and tobacco products.^{vi}

Additionally, flavored vape fluids used in electronic smoking devices are directly responsible for the proliferation of vaping among youth.^{vii} Once more, the BRFSS reported that, in 2017, 13.3 percent of Maryland students used e-cigarettes on at least one day in the past 30 days; a significantly higher number than those that used combustible tobacco products.^{viii} Making matters worse, “[s]tudies have found that young people who use e-cigarettes are more likely to become smokers, and many are low-risk youth who would not have otherwise smoked cigarettes.”^{ix} ^x

Altogether, a flavor ban for tobacco and tobacco products is necessary to prevent the next generation of Marylanders from becoming addicted to nicotine. Through SB 177, Maryland could take its greatest step toward decreasing health disparities and reducing health-related expenditures attributable to premature smoking in decades.

We respectfully request a **favorable** report on Senate Bill 177.

ⁱ “Raising the Tobacco Age To 21,” Campaign for Tobacco Free Kids, January 2020

ⁱⁱ CDC, Youth Risk Behavior Surveillance System, 2017.

ⁱⁱⁱ “Targetted Communities,” Truth Initiative, <https://truthinitiative.org/research-resources/topic/targeted-communities>. Accessed 5 February 2020.

^{iv} Food and Drug Administration. Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol Versus Nonmenthol Cigarettes. 2013.

^v Ton HT, Smart AE, Aguilar BL, et al. Menthol enhances the desensitization of human alpha3beta4 nicotinic acetylcholine receptors. *Mol Pharmacol* 2015;88(2):256-64 [cited 2018 Jun 12]

^{vi} Ibid.

^{vii} HHS, E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

^{viii} CDC, Youth Risk Behavior Surveillance System, 2017.

^{ix} “Big Tobacco Is Back with a New Way to Addict Kids.” Campaign for Tobacco-Free Kids, www.tobaccofreekids.org/juul.

^x “New Report One of Most Comprehensive Studies on Health Effects of E-Cigarettes; Finds That Using E-Cigarettes May Lead Youth to Start Smoking, Adults to Stop Smoking.” National Academies Web Server www8.Nationalacademies.org, www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=24952&_ga=2.227315540.810940964.1516640363-1933305849.1453397105.

Testimony in Support of SB 177.pdf

Uploaded by: Millar, Amy

Position: FAV

TESTIMONY IN SUPPORT OF SB 177 Business Regulation – Flavored Tobacco Products

To: Hon. Delores Kelley, Chair and members of the Senate Finance Committee

From: Gino Renne, President, UFCW Local 1994 MCGEO, International Vice President, UFCW

Dear Chairman Kelley and Members of the Senate Finance Committee:

On behalf of the members of UFCW Local 1994 MCGEO I am writing in support of SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition" and ask that you ban this toxic product that kills 7,500 people in Maryland each year.

A review of internal industry documents found that tobacco companies designed flavored products particularly to appeal to young and novice smokers and have marketed their products by advertising on digital media platforms such as Instagram.

There are currently over 15,000 flavored nicotine products including mint or menthol, gummy bear, cotton candy, and many others. Flavors like "Pop Tartz" and strawberry shortcake are readily available and are highly attractive to young people.

We know that 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 there is currently an age restriction to purchase these products, clearly kids are still getting their hands on them given the rates of use.

According to the CDC, smoking related illness in the United States costs more than \$300 billion each year. We see those same impacts to our union healthcare plans. But beyond the issue of cost, I look forward to the day when we will not bury another member who died prematurely because of smoking.

It is past time that we truly prioritize public health and stop companies from making and marketing these products. On behalf of our more than 8000 members and their families, I ask for a **favorable** report on SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition."

Testimony of Enid R. Neptune for MD Senate Hearing

Uploaded by: Neptune, Enid

Position: FAV

January 21, 2021

Testimony of Dr. Enid R. Neptune in support of SB177

Thank you for the opportunity to speak on behalf of the American Thoracic Society having served as a recent Vice-Chair of the Tobacco Action Committee of the American Thoracic Society. I am a pulmonologist at Johns Hopkins. A large proportion of the patients I see in clinic suffer from cigarette smoke related lung diseases, especially chronic obstructive pulmonary disease and lung cancer. I understand both the biology of cigarette smoke induced injury and the clinical consequences of tobacco exposure allowing me to speak on the merits of the Senate bill 177 to prohibit flavored tobacco products. First, I would like to state that the debate on flavored tobacco cigarettes is over. They cause harm to our young people, our communities of color and to our economy. They have no role in smoking cessation. They provide no benefit from a public health or a clinical posture.

When I care for COPD patients who require supplemental oxygen tanks to breathe and are unable to have a retirement experience that their years in the workforce merit, I harken back to their initial experiences with tobacco. They invariably recount initiation at the age of 12, 14 or later teen years. As several speakers have mentioned, the initiation of tobacco use is intimately tied to the availability of flavored tobacco products. Seven out of 10 middle school students who currently use tobacco have used a flavored product. Not surprisingly, 80 percent of young people who have ever used tobacco started with a flavored product. As many have quipped, "a spoonful of sugar helps the nicotine go down".

What is the clinical data? The [U.S. Surgeon General](#) has concluded that youth use of tobacco in any form, including e-cigarettes, is unsafe, causes addiction, and can harm adolescent brain development, impacting attention, memory, impulse control, mood, and learning. A recent Stanford University School of Medicine [study](#) found that young people who vaped were five to seven times more likely to be infected by COVID-19 than those who did not use e-cigarettes.

A few years ago, the tobacco product manufacturers would argue that the use of noncombustible tobacco products could serve a role as harm reducers if they replaced or prevented the initiation of conventional cigarettes. We now know that this is not the case. E-cigarettes are extremely popular with youth and young adults and are often used in combination with combustible cigarettes. From 2017 to 2019, e-cigarette use

among high school students more than doubled to 27.5%. One in four Maryland high school students currently use e-cigarettes — a rate five times higher than adults.

Some have also argued that prohibiting the sale of flavored tobacco products would hurt the state economy. That is also not true. Today 7,500 Marylanders die each year from tobacco-related causes, costing Marylanders \$2.7 billion in healthcare every year, far exceeding any tax revenues we gain from their sale.

And it's not just kids. As an African-American woman, the issue of menthol additives is particularly offensive. Menthol is not just a flavoring; it is also a drug that acts on lung cells to reduce the irritative effects of smoking. This Menthol drug also increases the addictiveness of nicotine and reduces a smoker's ability to stop smoking. Since the 1960s, tobacco companies have aggressively targeted the Black community with their menthol flavored products, leading to a devastating and unequal burden of death and disease. In the 1950s, less than 10% of Black smokers used menthol cigarettes. Today, about 85% of Black smokers smoke menthols. Black men are more likely to be diagnosed with and die of lung cancer than any other demographic group in Maryland and suffer heart disease at a rate 56 percent higher than white Marylanders. Regulating menthol is not just a public health issue; it is also a social justice issue.

The American Thoracic Society appreciates the legislators who support this bill and ask for adoption of Senate Bill SB177 in an effort to save the lives of Marylanders. We also ask for the implementation of effective enforcement provisions. I strongly urge Maryland to take advantage of this important opportunity to protect its most vulnerable residents — and to serve as a model for other states in the US by becoming the sixth state to ban flavored tobacco products.

MRHA SB177 - Business Regulation - Flavored Tobacc

Uploaded by: Orosz, Samantha

Position: FAV



Statement of Maryland Rural Health Association

To the Finance Committee

January 28, 2021

Senate Bill 177 Business Regulation – Flavored Tobacco Products – Prohibition

POSITION: SUPPORT

Chair Kelley, Vice Chair Feldman, Senator Washington, and members of the Finance Committee, the Maryland Rural Health Association (MRHA) is in **SUPPORT** of Senate Bill 177 Business Regulation – Flavored Tobacco Products – Prohibition.

This legislation provides certain licenses to manufacture, sell, buy, and store cigarettes, other tobacco products, and electronic smoking devices but does not authorize the licensee to, or to attempt to, manufacture, ship, import, or sell into or within the State a flavored tobacco product. MRHA supports this prohibition of the sale of flavored tobacco products to protect the health of all Marylanders.

MRHA's mission is to educate and advocate for the optimal health and wellness of rural communities and their residents. Membership is comprised of health departments, hospitals, community health centers, health professionals, and community members in rural Maryland.

Rural Maryland represents almost 80 percent of Maryland's land area and 25% of its population. Of Maryland's 24 counties, 18 are considered rural by the state, and with a population of over 1.6 million they differ greatly from the urban areas in the state.

Maryland law states that "many rural communities in the State face a host of difficult challenges relating to persistent unemployment, poverty, changing technological and economic conditions, an aging population and an out-migration of youth, inadequate access to quality housing, health care and other services, and deteriorating or inadequate transportation, communications, sanitations, and economic development infrastructure." (West's Annotated Code of Maryland, State Finance and Procurement § 2-207.8b)

And while Maryland is one of the richest states, there is great disparity in how wealth is distributed. The greatest portion of wealth resides around the Baltimore/Washington Region; while further away from the I-95 corridor, differences in the social and economic environment are very apparent.

MRHA believes this legislation is important to support our rural communities and we thank you for your consideration.

Lara Wilson, Executive Director, larawilson@mdruralhealth.org, 410-693-6988

Faith Sign-On Letter 1_26.pdf

Uploaded by: Parker, Ashiah S

Position: FAV

RE: FIGHT FLAVORED TOBACCO IN MARYLAND- SUPPORT SB 177/ HB 134

We, the undersigned faith organizations and leaders, understand the harmful effects of *selling flavored tobacco products in Maryland*. We see the results in the disproportionate numbers of Black and Brown residents who have died from tobacco-related illnesses and the luring of children with flavored products.

Today, one in four Maryland high school students currently use e-cigarettes and Black men are more likely to be diagnosed with and die of lung cancer than any other demographic group in Maryland.

As faith leaders, we have the moral obligation to ensure that our elected officials act in the best interest of the communities that we serve. We ask that the Maryland General Assembly act quickly to ensure future generations don't become addicted to these dangerous products.

We strongly support Senate Bill 177 and House Bill 134 and ask that these bills are passed without amendments. Passage of a clean bill will prevent the type of regulatory loopholes Big Tobacco has exploited for decades. We have reached a point in history where we must take direct action and not let pressing issues linger.

The Faith & Community Against Flavored Tobacco Coalition's mission is to stop Big Tobacco from targeting Maryland's children and Black and Brown communities.

To protect the health and futures of Maryland's youth, we must end the sale of **all** flavored tobacco products in Maryland. Urge Maryland legislators to vote yes on SB 177 and HB 134.

In service of the community,

Imam Derrick Amin, Muslim Chaplain
Morgan State University

Imam Earl El-Amin, Resident Imam
Muslim Community Cultural Center of Baltimore

Imam Aquil Ingram, Resident Imam
Masjid Al Ihsan

Ellen Aubee, Nurture Committee
Mt. Hope Union UMC

Jennifer Boston, Nurture Chairperson
Mt. Hope Union UMC

Pastor Ron Bragg, Senior Pastor
Life Covenant Christian Ministries

Rabbi Daniel Cotzin Burg, Alexander Grass Rabbinic Chair
Beth Am Synagogue

Rabbi Andrew Busch, Baltimore Hebrew Congregation
President, Baltimore Jewish Council

Rabbi Nina Beth Cardin
Baltimore County

Dr. Derrick Dewitt, President
Clergy United for the Transformation of Sandtown

Rev. George C. Gilbert, Jr., Civic and Social Actions Committee, Chair
Missionary Baptist Ministers' Conference, Washington D.C and Vicinity

Elder Clyde.W. Harris, Vice President
Clergy United for the Transformation of Sandtown

Rev. Dr. Alvin Hathaway Sr, Senior Pastor
Union Baptist Church

Rabbi Sachs-Kohen
Baltimore Hebrew Congregation

Howard Libit, Executive Director
Baltimore Jewish Council

Rev. Grey Maggiano, Rector
Memorial Episcopal Church

Imam Mutee Mulazim, Resident Imam
Al-Inshirah Peace Center

Denise Reid, Chaplain
Baltimore Police Department

Minister Vicki Rideout, Associate Minister
New Psalmist Baptist Church

Warren Savage, Senior Pastor
Sharp Street Memorial United Methodist Church

Min Ryan Turner, Associate Minister
New Psalmist Baptist Church

Bishop Lisa Weah, Senior Pastor
New Bethlehem Baptist Church

Rev. Dr. Stacey Cole Wilson, Executive Minister of Social Justice
United Methodist Church, Baltimore-Washington Conference

Rev. Dr. S. Todd Yeary, Esq.
Douglas Memorial Community Church

MPIA Testimony SB177_HB134.docx (1).pdf

Uploaded by: Peele, Antoinette

Position: FAV



January 25, 2021

Testimony on SB 177 / HB 134
Fight Flavored Tobacco in Maryland

Position: Favorable

Madison Park Improvement Association supports SB 177/HB 134.

SB 177/HB 134 is legislation that would end the sale of all flavored tobacco products in Maryland, including electronic smoking devices, menthol cigarettes, flavored cigars, and smokeless tobacco. We urge passage of a bill without amendments, free from the type of regulatory loopholes Big Tobacco has exploited for decades.

Flavored tobacco products lure kids into a life-long struggle with deadly addiction, hooking them on products in flavors like minty menthol, glazed donut, gummy bear, and cotton candy.

For decades, the tobacco industry has targeted Black and Brown communities with their predatory marketing of flavored tobacco products, namely menthol cigarettes. As a result, a staggering 85 percent of all African American smokers smoke menthol cigarettes, resulting in a disproportionate burden of tobacco-related disease and death. African Americans are more likely to die from tobacco-related causes than any other race or ethnic group.

The Faith & Community Against Flavored Tobacco coalition's mission is to stop Big Tobacco from targeting Maryland's children and Black and Brown communities.

To protect the health and futures of Maryland's youth, we must end the sale of all flavored tobacco products in Maryland. Urge Maryland legislators to vote yes on SB 177 and HB 134.

Sincerely,

Antoinette Peele

President
Madison Park Improvement Association

SB 177 - Flavored Tobacco.pdf

Uploaded by: Peterson, Matt

Position: FAV

OFFICERS

RABBI ANDREW BUSCH
President

ELIZABETH GREEN
1st Vice President

THE HON. CHAYA FRIEDMAN

BENJAMIN ROSENBERG

RABBI STEVEN SCHWARTZ

MELANIE SHAPIRO

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YEHUDA NEUBERGER
Past President

HOWARD LIBIT
Executive Director

MEMBER ORGANIZATIONS

Adat Chaim Congregation
American Jewish Committee
Americans for Peace Now
Baltimore Chapter
American Israel Public Affairs Committee
American Red Magen David for Israel
American Zionist Movement
Amit Women
Association of Reform Zionists of America
Baltimore Board of Rabbis
Baltimore Hebrew Congregation
Baltimore Jewish Green and Just Alliance
Baltimore Men's ORT
Baltimore Zionist District
Beth Am Congregation
Beth El Congregation
Beth Israel Congregation
Beth Shalom Congregation of
Howard County
Beth Tfiloh Congregation
B'nai B'rith, Chesapeake Bay Region
B'nai Israel Congregation
B'nai Jacob Shaaarei Zion Congregation
Bolton Street Synagogue
Chevra Ahavas Chesed, Inc.
Chevrei Tzedek Congregation
Chizuk Amuno Congregation
Congregation Beit Tikvah
Congregation Beth Shalom of
Carroll County
Congregation Tiferes Yisroel
Federation of Jewish Women's
Organizations of Maryland
Hadassah
Har Sinai - Oheb Shalom Congregation
J Street
Jewish Federation of Howard County
Jewish Labor Committee
Jewish War Veterans
Jewish War Veterans, Ladies Auxiliary
Jewish Women International
Jews For Judaism
Moses Montefiore Anshe Emenah
Hebrew Congregation
National Council of Jewish Women
Ner Tamid Congregation
Rabbinical Council of America
Religious Zionists of America
Shaarei Tfiloh Congregation
Shomrei Emenah Congregation
Simon E. Sobeloff Jewish Law Society
Suburban Orthodox Congregation
Temple Beth Shalom
Temple Isaiah
Zionist Organization of America
Baltimore District



WRITTEN TESTIMONY

Senate Bill 177 – Business Regulation – Flavored Tobacco Products – Prohibition

Educations, Health, and Environmental Affairs Committee

Budget and Tax Committee

January 28, 2021

SUPPORT

Background: Senate Bill 177 (SB177) would prohibit licensed tobacco retailers from selling flavored tobacco or flavored electronic cigarette products in Maryland.

Written Comments: There is no question that the use of tobacco products is detrimental to health. Therefore, we should not be enticing people, especially young people, to use these deadly products with familiar flavors such as mint, candy, and fruit. Studies show that menthol flavored cigarettes are used disproportionately by young people and minority populations. Flavored tobacco products should not be allowed to act as a gateway to long term tobacco use and addiction. Often, electronic cigarettes or vaping, are seen as safer alternatives to cigarettes, which could not be further from the truth. These products, which are also flavored and heavily marketed towards young people, have been linked to severe lung infections and dozens of deaths. Flavored vape oils contain chemicals, metals, and fine particles such as nickel, tin, lead, and diacetyl.

Similar bans on flavored tobacco or vaping products have been passed in Massachusetts and New Jersey. A limited federal ban was also enacted last year, which only applies to certain electronic cigarette flavors. It is time for Maryland to set an example for the rest of the nation, and make sure we are not allowing our young people to damage their bodies early in life and become addicted to these deadly products.

The Baltimore Jewish Council, which serves as the legislative affairs arm of the The Associated: Jewish Community Federation of Baltimore is a member organization of the Faith and Community Against Flavored Tobacco coalition. We join nearly 100 other local, statewide and national organizations representing a diverse group communities and faiths to call for a healthier Maryland free of flavored tobacco products. With this in mind, the Baltimore Jewish Council urges a favorable report of SB 177.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

BALTIMORE JEWISH COUNCIL

5750 Park Heights Avenue, Suite 329 • Baltimore, Maryland 21215
410-542-4850 • fax 410-542-4834 • baltjc.org

Member of the Jewish Council for Public Affairs

Baltimore Jewish Council is an agency of The Associated



Ltr. Hayes Flavored Tobacco Products.pdf

Uploaded by: Powell, Margaret

Position: FAV

1602 Appleton Street

Baltimore, Maryland 21217

January 25, 2021

Testimony on SB177 / HB 134
Fight Flavored Tobacco in Maryland

Position: Favorable

The purpose of this letter is to support SB 177/HHB 134. This legislation will end the sale of all flavored tobacco products in Maryland. This will include electronic smoking devices, menthol cigarettes, flavored cigars, and smokeless tobacco. I urge passage of this bill without amendments, free from the type of regulatory loopholes Big Tobacco has exploited for decades.

Flavored tobacco products lure children into a life-long struggle with deadly addiction, hooking them on products in flavors like minty menthol, glazed donuts, gummy bear and cotton candy. We know that for decades, the tobacco industry has targeted Black and Brown communities with their predatory marketing of flavored tobacco products, namely menthol cigarettes, resulting in a disproportionate burden of tobacco-related disease and death. African Americans are more likely to die from tobacco-related causes than any other race or ethnic group.

To protect the health and futures of Maryland's youth, we must end the sale of **ALL** flavored tobacco products in Maryland. **I urge Maryland legislators to vote yes on SB 177 and HB 134.**

In partnership,

Margaret Powell

40th District

FinalJMR.SB177testimony.pdf

Uploaded by: Reinhard, Julie

Position: FAV

Julie Mendel Reinhard
PAVe, Maryland Pod
7519 Hampden Lane
Bethesda, Maryland 20814

January 26, 2021

Dear Chair Kelley and Members of the Senate Finance Committee:

On behalf of the Maryland Pod of Parents Against Vaping and e-cigarettes (PAVe) and as a resident of Bethesda, Maryland, I am writing to strongly urge your support of SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition" without amendments.

Big Tobacco has targeted and exploited our communities for far too long, leading Marylanders to lifelong struggles with addiction and disease. They are deceitful and manipulative, now using **flavored products** to target **youth** through trendy advertising in print and digital media including Instagram, and even on educational websites like Quizlet. The thousands of flavored offerings including products like minty menthol, gummy bear, and cotton candy, effectively mask the bitter taste of nicotine and hook kids. Even leaving one flavor, like menthol, on the market is dangerous because research shows that kids will use whatever flavor is available. They don't like the taste of nicotine.

Electronic smoking devices known as e-cigarettes or vapes deliver massive doses of nicotine through a product that tastes good, is easy to inhale, and is highly addictive. In fact, one vape contains as much nicotine as an entire pack of combustible cigarettes. **We know that 80% of young people who have ever used tobacco started with a flavored product and 23% of Maryland high school students**

Page two

currently use e-cigarettes - a rate 5 times higher than adults, and 4% higher than the national average.

Furthermore, the dangers from vaping flavored nicotine products to the teen's developing brain and developing lungs are numerous including attention, learning, memory, anxiety, depression, and mood swings, worsening asthma, and chronic lung disease.

The end of flavored tobacco sales is also a social justice issue. Big Tobacco has used this playbook before by predatorily targeting Black and Brown communities through menthol cigarette advertising, product discounts, and giveaways. **As a result, the amount of African American smokers who smoke menthol jumped from 5% in 1952 to about 85% today.** Like other flavored products, menthol hides 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 its addictive qualities.

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

The sale of flavored tobacco products undeniably increases the suffering of Black and Brown communities as well as the prevalence of youth addiction to tobacco products. It is preventable. For all of the above reasons, **I urge you to support the passage of a clean SB 177**

- “Business Regulation - Flavored Tobacco Products - Prohibition.”

We are most grateful for your time and attention to this grave and highly consequential matter. The time to act is now.

Respectfully Submitted,

Julie Mendel Reinhard,
PAVe, Maryland Pod Advocate



CF SB 177 Support.pdf

Uploaded by: Rivkin, Deborah

Position: FAV

Deborah Rivkin
Vice President
Government Affairs – Maryland

CareFirst BlueCross BlueShield
1501 S. Clinton Street, Suite 700
Baltimore, MD 21224-5744
Tel. 410-528-7054
Fax 410-528-7981



SB 177 – Business Regulation – Flavored Tobacco Products – Prohibition

Position: Support

Thank you for the opportunity to provide written comments in support of Senate Bill 177. This emergency bill prohibits the manufacture, shipment, import, or sale of flavored tobacco products within the State. CareFirst is focused on driving the transformation of health care for the better, and we are committed to improving the health of our members and communities. Senate Bill 177 advances our mission by prohibiting harmful products that disproportionately impact the health of our citizens.

- The growing youth use of e-cigarettes and other nicotine devices poses a serious public health threat. Research has shown that vaping can harm the heart and lungs, and that e-cigarettes are just as addictive as traditional cigarettes. The Food and Drug Administration's (FDA) recent actions to limit flavors and restrict the places in which e-cigarettes are sold are a good first step to address this emerging crisis.
- Over 5 million high school-aged youth have used e-cigarettes nationwide in 2019 and there are significant disparities in tobacco product use in youth by race and ethnicity.
 - The Centers for Disease Control and Prevention (CDC) found that mentholated and flavored tobacco products have been targeted heavily with marketing toward minority populations, especially African American communities. Consequently, over 7 out of 10 African American youth ages 12-17 years who smoke use menthol cigarettes. African American adults also have the highest percentage of menthol cigarette use - 85.8%, compared to 46% of Hispanic smokers, 39% of Asian smokers, and 28.7% of White smokers.

CareFirst believes that this legislation will keep more Marylanders from using flavored tobacco products, help them quit, and live higher quality and healthier lives. We look forward to working with legislators, public health groups and other partners to help ensure that children are protected from harmful products, while continuing efforts to help current smokers quit.

We urge a favorable report.

About CareFirst BlueCross BlueShield

In its 83rd year of service, CareFirst, an independent licensee of the Blue Cross and Blue Shield Association, is a not-for-profit healthcare company which, through its affiliates and subsidiaries, offers a comprehensive portfolio of health insurance products and administrative services to 3.4 million individuals and employers in Maryland, the District of Columbia and Northern Virginia. In 2019, CareFirst invested \$43 million to improve overall health, and increase the accessibility, affordability, safety and quality of healthcare throughout its market areas. To learn more about CareFirst BlueCross BlueShield, visit our website at www.carefirst.com and our transforming healthcare page at www.carefirst.com/transformation, or follow us on [Facebook](#), [Twitter](#), [LinkedIn](#) or [Instagram](#).

SB 177 FAV_ACY.pdf

Uploaded by: Rock, Melissa

Position: FAV



To: The Honorable Chair, Senator Delores G. Kelley and members of the Finance Committee
From: Melissa S. Rock, Birth to Three Strategic Initiative Director & Interim Managing Director
Re.: **SB 177: Business Regulation - Flavored Tobacco Products - Prohibition**
Date: January 28, 2021
Position: **SUPPORT**

Advocates for Children and Youth applauds this body for all its efforts to limit access to cigarettes to children. Unfortunately, despite those best efforts, across Maryland, 8.2% (or 25,000) high schoolers smoke cigarettes.ⁱ This is significantly higher than the national rate of high schoolers who smoke, which is 5.8%.ⁱⁱ In fact, in Maryland, each year, 1,600 children (under age 18) become new daily smokers.ⁱⁱⁱ Studies show that flavored tobacco products play a large role in young people initiating tobacco use. While the 2009 federal law, the Family Smoking Prevention and Tobacco Control Act prohibited the sale of cigarettes with flavor enhancers other than menthol or tobacco, the rise on non-cigarette tobacco products has restrained the impact of that law on reducing tobacco usage among children.

As the Campaign for Tobacco Free Kids Campaign explains, flavored tobacco products, that are not cigarettes, are on the rise:

- "As of 2017, there were more than 15,500 unique e-cigarette flavors available online. An earlier study found that among the more than 400 brands available online in 2014, 84% offered fruit flavors and 80% offered candy and dessert flavors." (Internal citations omitted)^{iv}
- "Sales of flavored cigars have increased by nearly 50% since 2008, and flavored cigars made up more than half (52.1%) of the U.S. cigar market in 2015. Further, the number of unique cigar flavor names more than doubled from 2008 to 2015, from 108 to 250.3 The vice president of one distributor commented, 'For a while it felt as if we were operating a Baskin-Robbins ice cream store' in reference to the variety of cigar flavors available – and, no doubt, an allusion to flavors that would appeal to kids." (Internal citations omitted)^v

These flavored tobacco products are especially appealing to children:

- According to the National Youth Tobacco Survey of 2019, almost 70% (4.3 million) of the 6.2 million current middle and high schoolers that reported tobacco use used flavored products.^{vi}
- "81% of youth who have ever used tobacco products initiated with a flavored product." (Internal citations omitted)
- "72.3% of youth tobacco users have used a flavored tobacco product in the past month." (Internal citations omitted)
- "At least two-thirds of youth tobacco users report using tobacco products 'because they come in flavors I like.' "^{vii}

SB 177 expands Maryland's ban on tobacco products with flavors other than tobacco and menthol beyond cigarettes. In so doing, we can interrupt the staggering statistics cited above. Courts have rejected first amendment objections to these bans.^{viii} Finally, while these vary in scope, there are over 230 localities that restrict the sale of flavored tobacco.^{ix}



By passing SB 177, we can continue protecting Maryland's children from the negative consequences of being addicted to tobacco.

ⁱ <https://www.tobaccofreekids.org/problem/toll-us/maryland>

ⁱⁱ *Id.*

ⁱⁱⁱ *Id.*

^{iv} Bach, Laura, "Flavored Tobacco Products Attract Kids: Brief Overview of Key Issues," Campaign for Tobacco-Free Kids, at p. 1 (December 6, 2019). <https://www.tobaccofreekids.org/assets/factsheets/0399.pdf>

^v *Id.*

^{vi} Wang, TW, et al., "Tobacco Product Use and Associated Factors Among Middle and High School Students—United States, 2019," MMWR, 68(12): December 6, 2019, <https://www.cdc.gov/mmwr/volumes/68/ss/pdfs/ss6812a1-H.pdf>.

^{vii} *Ibid.* at p. 2.

^{viii} *Id.* at p. 3 citing: National Association of Tobacco Outlets v. City of Providence, 731 F.3d 71 (1st Cir. 2013); U.S. Smokeless Tobacco Company v. FDA, 708 F.3d 428 (2d Cir. 2013).

^{ix} *Id.*

SB177_MarylandPIRG_FAV_Emily Scarr_Flavored Tobacc

Uploaded by: Scarr, Emily

Position: FAV

Maryland PIRG

Maryland Public Interest Research Group

SB177: Business Regulation - Flavored Tobacco Products-Prohibition
Finance Committee
Thursday January 28th, 2021

POSITION: FAVORABLE

*Maryland PIRG is a state based, non-partisan, citizen funded public interest advocacy organization with grassroots members across the state and a student funded, student directed chapter at the University of Maryland College Park. For forty five years we've stood up to powerful interests whenever they threaten our health and safety, our financial security, or our right to fully participate in our democratic society. **That includes a long history of supporting concrete solutions to reduce tobacco use.***

Maryland PIRG urges you to support SB177 to protect kids from tobacco addiction by taking all flavored tobacco products off the market.

The tobacco industry has evolved over time to create new, highly addictive products, but one thing hasn't changed--flavored tobacco products hook kids. **A government study found that [81% of youth](#) who have ever used tobacco started with a flavored product, and most tobacco users start young.**¹

Flavored products helped fuel the e-cigarette epidemic among youth:

- E-cigarettes have been the [most commonly used tobacco product](#) among middle and high school students in the United States since 2014.²
- Nearly a quarter of Maryland high school students currently use e-cigarettes—a rate 5 times higher than adults.³
 - That's a significant increase from the [13.3%](#) of high school students who reported e-cigarette use in 2016.⁴
- According to the 2020 [National Youth Tobacco Survey](#), more than 8 out of 10 current youth e-cigarette users use flavored e-cigarettes. Among high schoolers the most common flavors were fruit, mint and menthol.⁵
- The Surgeon General [concluded in a 2016 report](#) that, "E-cigarettes are marketed by promoting flavors and using a wide variety of media channels and approaches that have been used in the past for marketing conventional tobacco products to youth and young adults."⁶

Emily Scarr, Maryland PIRG Director emily@marylandpirg.org
Matt Wellington, Public Health Director mwellington@pirg.org
Dani Paradise, End the Nicotine Trap Associate dparadise@pirg.org

All flavored products are a problem: All flavored tobacco products pose a threat to youth because they can lure them into a life-time of tobacco addiction. SB177 would help reduce overall youth tobacco use by taking all flavored products off the market, not just a select few.

- Although e-cigarettes are the most widely used tobacco product among Maryland high schoolers, 6% smoke cigars, 5% smoke cigarettes, and 4.6% use smokeless tobacco.⁷
- Flavored tobacco products are targeted at black and brown communities. 85 percent of all African American smokers use menthol cigarettes and African Americans are more likely to die from tobacco-related causes than any other race or ethnic group in America.⁸
- Menthol flavoring lessens the harshness of smoking tobacco, which makes it easier for young people to start smoking cigarettes.

Nicotine is harmful to kids' health: E-cigarettes almost always contain nicotine, an addictive drug that can harm adolescent [brain development](#) and affect young peoples' learning, memory and attention.⁹

- Nicotine use in adolescents can also contribute to mood disorders and increase their risk of future addiction to other dangerous substances.¹⁰
- Some [evidence](#) also suggests that young e-cigarette users may be more likely to smoke combustible cigarettes in the future.¹¹
- The latest data shows that 40 percent of high school e-cigarette users are using e-cigarettes frequently (20 or more days out of the month) and almost a quarter of them use e-cigarettes daily.¹²

E-cigarettes are not an approved cessation device: The benefit, if any, to the smokers who claim to be using flavored e-cigarettes as a way to quit smoking combustible cigarettes simply doesn't outweigh the public health risk these products pose to young people in Maryland. **Moreover, [no e-cigarette company](#) has received FDA authorization to market their e-cigarette products as a safe and effective way to quit smoking.**¹³

The federal government has failed to fully address the youth e-cigarette epidemic. The Food and Drug Administration took non-tobacco, non-menthol flavored cartridge-based e-cigarettes like Juul off the market but left [thousands of other flavored e-liquids](#) for non cartridge-based products widely available.¹⁴ It's critical that Maryland lawmakers act now to end the sale of all flavored products.

According to the Centers for Disease Control and Prevention, the rapid rise in e-cigarette use among young people has [erased past progress](#) in reducing overall youth tobacco use. Maryland lawmakers should end the sale of all flavored tobacco products. Otherwise, thousands more kids could face a future tainted by tobacco addiction.

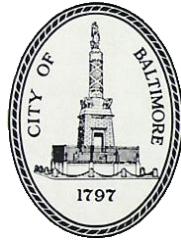
Sources:

- [1] Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association (JAMA)*, published online 26 October 2015.
- [2] Gentzke AS, et al. "Vital Signs: Tobacco Product Use Among Middle and High School Students — United States, 2011–2018," *MMWR Morbidity and Mortality Weekly Report (MMWR)* Rep 2019; 68:157–164. DOI: <http://dx.doi.org/10.15585/mmwr.mm6806e1>
- [3] Maryland Department of Health, Preliminary data from the *Youth Risk Behavior Survey & Youth Tobacco Survey 2018-2019*.
- [4] Maryland Department of Health, *Youth Risk Behavior Survey & Youth Tobacco Survey 2016*.
- [5] FDA, *Get the Latest Facts on Teen Tobacco Use*, 13 January 2021.
- [6] HHS, "E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General". Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.
- [7] See note 3.
- [8] Villanti AC, Mowery PD, Delnevo CD, Niaura RS, Abrams DB, Giovino GA. *Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004-2014*.
- [9] See note 6.
- [10] Office of the Surgeon General, "Know the Risks: E-cigarettes and Young People," accessed 22 April 2019; See note 6 for additional information.
- [11] CDC, Quick Facts on the Risks of E-cigarettes for Kids, Teens, and Young Adults, accessed online 2 February, 2020.
- [12] See note 5.
- [13] FDA, *Fact or Fiction: What to Know About Smoking Cessation and Medications*, accessed online 2 February, 2020.
- [14] FDA, *Guidance for Industry: Enforcement Priorities for Electronic Nicotine Delivery System (ENDS) and Other Deemed Products on the Market Without Premarket Authorization*, January 2020.

SB0177-FIN-FAV.pdf

Uploaded by: Scott, Brandon

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB 177

January 28, 2021

TO: Members of the Finance Committee

FROM: Natasha Mehu, Director of Government Relations

RE: SENATE BILL 177 – BUSINESS REGULATION - FLAVORED
TOBACCO PRODUCTS - PROHIBITION

POSITION: SUPPORT

Chair Kelley, Vice Chair Feldman, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 177.

SB 177 would prohibit holders of licenses to manufacture, sell, buy, and store cigarettes, other tobacco products, and electronic smoking devices to manufacture, ship, import, or sell flavored tobacco products.

Tobacco use remains the leading cause of preventable death in the U.S. It is known to cause cancer, heart disease, and respiratory disease, among other health disorders, and costs the U.S. as much as \$170 billion in health care expenditures each year. The Campaign for Tobacco-Free Kids reports that each day, more than 250 kids under the age of 18 become regular, daily smokers and almost one third will eventually die from smoking related illness.ⁱ In 2017, 8.2 percent of Maryland's high school students responding to the Behavioral Risk Factor Surveillance System (BRFSS) smoked on at least one day in the past 30 days.ⁱⁱ

Tobacco use disproportionately affects many marginalized populations including people in low-income communities, racial and ethnic minorities, LGBTQ individuals, and those with mental illness. Research by the "Truth Initiative" shows that more tobacco retailers exist in areas with higher concentrations of Black, Hispanic, and low-income populations and that tobacco companies strategically market to these groups.ⁱⁱⁱ

The use of flavors in tobacco and tobacco products is a primary means of attracting new and minority users to said products. Menthol or mint flavors are of particular concern. The Food and Drug Administration notes that "the weight of evidence supports the

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Baltimore – phone: 410.396.3497 • fax: 410.396.5136
<https://mogr.baltimorecity.gov/>*

conclusion that menthol in cigarettes is likely associated with increased initiation and progression to regular cigarette smoking.”^{iv} Moreover, menthol dulls sensation in certain sensory nerves making tobacco and tobacco products more palatable.^v This effect is especially pronounced in the African American community which has a genetic predisposition toward irritation when inhaling smoke or vapors from tobacco and tobacco products.^{vi}

Additionally, flavored vape fluids used in electronic smoking devices are directly responsible for the proliferation of vaping among youth.^{vii} Once more, the BRFSS reported that, in 2017, 13.3 percent of Maryland students used e-cigarettes on at least one day in the past 30 days; a significantly higher number than those that used combustible tobacco products.^{viii} Making matters worse, “[s]tudies have found that young people who use e-cigarettes are more likely to become smokers, and many are low-risk youth who would not have otherwise smoked cigarettes.”^{ix} x

Altogether, a flavor ban for tobacco and tobacco products is necessary to prevent the next generation of Marylanders from becoming addicted to nicotine. Through SB 177, Maryland could take its greatest step toward decreasing health disparities and reducing health-related expenditures attributable to premature smoking in decades.

We respectfully request a **favorable** report on Senate Bill 177.

ⁱ “Raising the Tobacco Age To 21,” Campaign for Tobacco Free Kids, January 2020

ⁱⁱ CDC, Youth Risk Behavior Surveillance System, 2017.

ⁱⁱⁱ “Targetted Communities,” Truth Initiative, <https://truthinitiative.org/research-resources/topic/targeted-communities>. Accessed 5 February 2020.

^{iv} Food and Drug Administration. Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol Versus Nonmenthol Cigarettes. 2013.

^v Ton HT, Smart AE, Aguilar BL, et al. Menthol enhances the desensitization of human alpha3beta4 nicotinic acetylcholine receptors. *Mol Pharmacol* 2015;88(2):256-64 [cited 2018 Jun 12]

^{vi} Ibid.

^{vii} HHS, E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.

^{viii} CDC, Youth Risk Behavior Surveillance System, 2017.

^{ix} “Big Tobacco Is Back with a New Way to Addict Kids.” Campaign for Tobacco-Free Kids, www.tobaccofreekids.org/juul.

^x “New Report One of Most Comprehensive Studies on Health Effects of E-Cigarettes; Finds That Using E-Cigarettes May Lead Youth to Start Smoking, Adults to Stop Smoking.” National Academies Web Server www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=24952&_ga=2.227315540.810940964.1516640363-1933305849.1453397105.

Parim Shah - SB 177 Written Testimony.pdf

Uploaded by: Shah, Parim

Position: FAV

Dear Chairman Davis and Members of the House Economic Matters Committee:

I am writing to you on behalf of Montgomery County Students Towards Equitable Public Schools (STEPS) to support SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition" and to extend our appreciation to the Committee for giving this issue the time and consideration it deserves. Montgomery County STEPS is a youth organization of students across the county working towards equity. After extensively discussing the issue with other student leaders I strongly believe that flavored tobacco is a major problem for the residents of Maryland. The experiences of students suffering from tobacco addictions, racialized marketing strategies, and the health impact that flavored tobacco has on the residents of Maryland shows that flavored tobacco products should be prohibited in the state of Maryland.

First, students are suffering from tobacco addictions, due to targeted marketing. For example, 23% of highschool students use e - cigarettes and 1,400 new kids under 18 smoke each year. Also, hundreds of national and state studies show that smoking of any kind is detrimental to the health and well - being of smokers. This shows that student's bright futures are being destroyed by tobacco products. Additionally, tobacco company's marketing strategies target youth urging them to try smoking. For instance, hundreds of sponsored social media posts portray teens smoking as cool and needed. Furthermore, flavored tobacco products like bubblegum and popcorn hide the deadly toxins that are being consumed, are targeted towards kids, and increase the probability of someone becoming an addict.

Next, tobacco companies have for decades pursued explicitly racialized marketing strategies for menthol cigarettes, the most widespread flavored tobacco product. Research on advertising and pricing confirm that this strategy continues today. Targeted cigarette advertising toward Black Americans has contributed to a range of racialized health disparities. Additionally, tobacco companies target black communities by giving out free samples in majority black communities, lowering prices, and targeted ads. This demonstrates that flavored tobacco increases racial inequities and disproportionately affects people of color.

Lastly, there are major economic benefits and minimal losses from prohibiting flavored tobacco products. For instance, families are likely to recycle a significant share of any savings from reduced tobacco consumption into purchases of other goods and services, reducing the size of the economic impact of a prohibition. Annual health care costs in Maryland directly caused by smoking amounts to a whopping 2.71 billion dollars. This indicates that the prohibition of flavored tobacco would save thousands of household's money to spend on necessary needs, ergo reducing the economic impacts of the prohibition. Additionally, there would be minimal job losses due to the prohibition of tobacco. Most tobacco sales are concentrated in two types of retailers: convenience stores/gas stations and vape shops that are solely dedicated for the sale e -cigarettes. Evidence from a 2011 study found no impact of long - term declines in cigarette consumption on convenience store jobs. Also, vape shops are estimated to employ a couple hundred workers in Maryland, but with an average salary of only about \$22,000. This shows that the prohibition of flavored tobacco products would have minimal impacts on jobs, but would bring major economic benefits to Maryland households.

The sale of flavored tobacco products undeniably increases the suffering of Black communities as well as the prevalence of youth addiction to tobacco products. We can do something about it. I urge you to support the passage of a clean SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition."

Respectfully Submitted,

Parim Shah

Montgomery County Students Towards Equitable Public Schools (STEPS)

Parim Shah - SB 177 Written Testimony.pdf

Uploaded by: Shah, Parim

Position: FAV

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Respectfully Submitted,

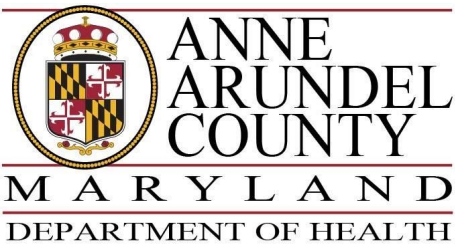
Parim Shah

Montgomery County Students Towards Equitable Public Schools (STEPS)

SB0177 Testimony Final.pdf

Uploaded by: Shaklee, Christina

Position: FAV



J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Nilesh Kalyanaraman, M.D.
Health Officer

2021 SESSION
Written Testimony

BILL NO: SB 177
COMMITTEE: Finance Committee
POSITION: Support
TITLE: Business Regulation- Flavored Tobacco Products-Prohibition

BILL ANALYSIS:

SB 177 will prohibit the sale of all flavored tobacco products, including menthol cigarettes, chewing tobacco, small cigars, and vape products.

POSITION RATIONALE:

The Anne Arundel County Department of Health supports SB 177 prohibiting the sale of all flavored tobacco products, including menthol cigarettes, chewing tobacco, flavored cigars, and vape products.

Nicotine is unsafe for the still-developing adolescent brain. The prefrontal cortex and frontal cortex of the brain which are responsible for executive functioning - things like planning and judgment, plus other areas of the brain that control rewards, emotions, and conditioned effects are not fully developed until the age of 25. That means, the normal adolescent brain does not yet have the full capacity to balance short-term rewards with long-term goals, control impulses and delay gratification, foresee and weigh possible consequences of behavior, or inhibit inappropriate behavior and initiate appropriate behavior.

The U.S. Surgeon General states that the use of nicotine in any form, including e-cigarettes is unsafe and can have potential lifelong health effects. The introduction of nicotine to the adolescent brain is especially detrimental. It causes alterations in normal brain chemistry, affecting mood, appetite, attention, cognition and memory, and establishes pathways that

increase the likelihood of neurobiological dependence, and future addiction to other drugs, including opioids.

Adolescents grow up in a rich media environment with exposure to tobacco marketing in both their homes (eg, through the Internet and television) and their communities (eg, stores and billboards). The susceptibility of teens to advertising manipulation, honed by the tobacco and vaping industry, is of great concern. According to the National Institutes of Health (NIH), adolescent never-smokers with frequent exposure to cigarette marketing on the Internet and in stores are more than two times as likely to begin smoking as young adults. Never users of e-cigarettes were significantly more likely to initiate use, if exposed to Internet, store, and outdoor e-cigarette marketing. Never users of hookah were more likely to use hookah after seeing it marketed in stores. Youth exposed to marketing of e-cigarettes, hookah, cigars, smokeless tobacco, and pipe tobacco in stores were two to three times more likely to begin smoking cigarettes even though the marketed products were not cigarettes. In 2016, about 8 in 10 middle school and high school students—more than 20 million youth—said they had seen e-cigarette advertising.

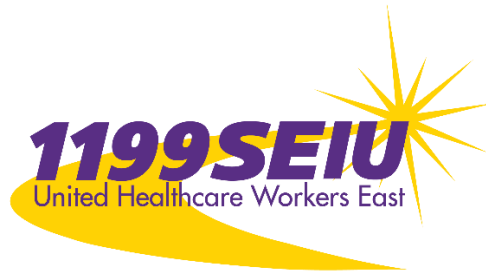
Today the focus of the industry's marketing effort is on promoting flavored products that appeal to adolescents. E-cigarettes come in fruit, candy, and other kid-friendly flavors, such as mango, fruit and crème. The Surgeon General reports, "E-cigarettes are marketed by promoting flavors and using a wide variety of media channels and approaches that have been used in the past for marketing conventional tobacco products to youth and young adults." The majority of youth e-cigarette users report using flavored varieties, most youth e-cigarette users first start using e-cigarettes with a flavored variety, and flavors are the primary reason youth report using e-cigarettes. According to the 2019 National Youth Tobacco Survey (2019 NYTS), 4 out of 5 kids who have used tobacco started by using a flavored product. Many youth also report using e-cigarettes because they are curious about these new products, and because they believe these products to be less harmful than conventional cigarettes.

The Anne Arundel County Department of Health and Anne Arundel County school staff is making every effort to educate our youth on the dangers of smoking and vaping. But we know that for decades, the tobacco industry has perfected the ability to exploit emotional and social vulnerabilities of teens. Our education, although extremely important to provide students with information to protect their health, is no match for the sophisticated techniques developed by industry that now uses flavors as bait.

Testimony-SB177-Flavored Tobacco Products – Prohib

Uploaded by: Stevenson, Christopher

Position: FAV



Testimony on SB177
Business Regulation – Flavored Tobacco Products – Prohibition
Position: FAVORABLE

Dear Chair Kelley and Members of the Senate Finance Committee:

My name is Ricarra Jones, and I am the Political Director with 1199SEIU- the largest healthcare union in the nation, where we represent over 10,000 healthcare workers in Maryland. Given the need to ensure a healthier Maryland by eliminating the increased number of carcinogenic products in our communities, we are asking this Committee to support SB0177- the Flavored Tobacco Products Prohibition.

All Marylanders deserve the opportunity to live a healthy lifestyle and in solidifying this effort, Maryland must prohibit the use of flavored tobacco products that have infiltrated our homes and even our schools. Studies find that tobacco product kill over 7,500 people in Maryland each year and to make matters even worse, our children are getting addicted to these products while they are in grade school. Tobacco companies do this by advertising tobacco products that attract the attention of both adults and adolescents by making smoking the “cool” thing to do. But the truth of the matter is that for children, smoking at an early age only reinforces disastrous health effects such as lung cancer and other respiratory problems later in life.

This same issue also harms members of 1199SEIU. Our members who come from majority-minority backgrounds are often systematically targeted to buy these products, just like many other minorities are in communities across the state. These products are placed and sold in convenience stores, liquor stores, and other businesses in black and brown residential areas, where these groups already suffer from healthcare disparities. The state must intervene to ensure that the lives of our most marginalized citizens are protected and prohibiting the sale of tobacco products is one of the necessary steps to reach this goal.

For this reason, we believe that this prohibition will create the necessary safety net in place to save thousands of lives across the state of Maryland and ensures the betterment of health for many minority communities. With this in mind, we ask this Committee to please find SB177, favorable.

Respectfully,

Ricarra Jones
Maryland/DC Political Director
1199SEIU United Healthcare Workers- East
Cell: [443-844-6513](tel:443-844-6513)

Daniel S Written Testimony .pdf

Uploaded by: Suh, Daniel

Position: FAV

January 26, 2021

Dear Chair Kelley and Members of the Senate Finance Committee:

I am writing on behalf of the Maryland Youth Against Flavored Tobacco Coalition to support SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition." Our coalition comprises of multiple youths led organizations from the county level like MCR (Montgomery County Regional Council) to statewide organizations like Maryland Youth for Change. We strongly encourage you to pass a clean bill to protect vulnerable children and communities from a poison that takes 7,500 lives in Maryland each year and is actively hooking an entirely new generation of kids.

In 6th grade, I met one of my closest friends in school, Jacob. We would use to do all of our assignments together and go over to each other's houses almost every week. All of this changed when during the summer, Jacob started to JUUL. He was drawn in by all the different flavors like mango, his favorite fruit, and other flavored products. At first, I was drawn in as well as the flavors made it seem like candy and sounded so appealing. However, then my Mom informed me that one of my relatives has been using e-cigarettes and other drugs have passed away. Even though I wasn't close to them, I was devastated and immediately informed Jacob to stop vaping. However, he ignored my advice stating that he got everything under control and he wasn't ever planning to use other drugs. I then saw the horrors as I realized my best friend had fallen to big tobacco.

Summer passed and I started 7th grade when I noticed how bad Jacob had gotten. He used to be a straight-A student who never missed a single day of school but it all changed as he started to vape. He would skip class even when we had a test to go to the bathroom and vape with his "friends." He would starve during lunch and use his lunch money to buy pods instead of eating. I confronted him multiple times about his addiction and every time he would get more and more hostile and accuse me of being intrusive. Every time I confronted him, I could feel our friendship slipping away as he started to not respond to my texts and hang out more with his "vape friends." I was heartbroken as the Jacob I used to play video games and knew everything about was now gone. I saw another Jacob would get detention almost every week for skipping class and starving to have "one more hit". Jacob used to prioritize academics over everything and wanted to be a professor when he grew up. However, when we had to talk to PARCC for two hours, he couldn't finish the test. I remember seeing him in front of me with shaky hands and he couldn't concentrate on the test for longer than 2 minutes. He was jittery and shaky and couldn't focus at all. When the two hours were up, he didn't finish most of the sections. The school contacted his parents after that and that's when they discovered his habit and took away his Juul. His parents unenrolled him from our school and took all forms of communication away from him.

Jacob's story is only one of the many kids that I know whose lives have been destroyed due to flavored tobacco. Many of my friends and peers vape and are destroying their futures every time they take a hit. It pains to think about Jacob, a kid with a bright future, losing everything due to Tobacco. I plead to you not to let any more kids with bright futures get ruined by flavored tobacco in Maryland anymore. Don't let another 12 or 13 years old have to experience losing their best friend and see them go down a downwards spiral. I urge all of you all to think about Jacob and many other kids just like him and support the passage of a clean SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition."

Respectfully Submitted,

Daniel Suh
Maryland Youth Against Flavored Tobacco Coalition

All names have been changed for privacy concerns.

SB177_Flavored Tobacco_Support.pdf

Uploaded by: Taylor, Allison

Position: FAV



Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc
2101 East Jefferson Street
Rockville, Maryland 20852

January 28, 2021

The Honorable Delores G. Kelley
Senate Finance Committee
3 East, Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

RE: SB 177 – Support

Dear Chair Kelley and Members of the Committee:

Kaiser Permanente supports SB 177, “Business Regulation – Flavored Tobacco Products – Prohibition.”

Kaiser Permanente is the largest private integrated health care delivery system in the United States, delivering health care to over 12 million members in eight states and the District of Columbia.¹ Kaiser Permanente of the Mid-Atlantic States, which operates in Maryland, provides and coordinates complete health care services for approximately 775,000 members. In Maryland, we deliver care to over 450,000 members.

Kaiser Permanente supports removing flavored tobacco products from state markets, including flavored e-cigarettes, as we view flavored tobacco as a threat to public health. As described below, we are particularly concerned about the availability and appeal of flavored tobacco products to youth and we believe SB 177 is a significant step in restricting access to these dangerous products.

Flavored tobacco products addict our children early and for a lifetime. In a recent survey, 70.3 percent of youth e-cigarette users cited appealing flavors as the primary reason for use.² One of the most serious health effects of these products is nicotine addiction, which can lead to prolonged smoking, cardiovascular issues, and early death. The younger youth are when they start consuming nicotine, the more likely they will become addicted.³

Flavored tobacco products are recognized as “starter” products and may be linked to long-term nicotine addiction.⁴ The health consequences of e-cigarette use (flavored or not) by children may be substantial. A

¹ Kaiser Permanente comprises Kaiser Foundation Health Plan, Inc., the nation’s largest not-for-profit health plan, and its health plan subsidiaries outside California and Hawaii; the not-for-profit Kaiser Foundation Hospitals, which operates 39 hospitals and over 650 other clinical facilities; and the Permanente Medical Groups, self-governed physician group practices that exclusively contract with Kaiser Foundation Health Plan and its health plan subsidiaries to meet the health needs of Kaiser Permanente’s members.

² FDA, “Modifications to Compliance Policy for Certain Deemed Products: Guidance for Industry, Draft Guidance,” March 13, 2019, <https://www.fda.gov/media/121384/download>.

³ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, *Preventing Tobacco Use Among Youths, Surgeon General fact sheet*, 2012. Accessible at: <https://www.hhs.gov/surgeongeneral/reports-and-publications/tobacco/preventing-youth-tobacco-use-factsheet/index.html>; U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Office of the Surgeon General, *Know the Risks: E-cigarettes & Young People*, 2016. Accessible at: https://e-cigarettes.surgeongeneral.gov/documents/2016_SGR_ECig_FAQ_508.pdf

⁴ National Academies of Sciences, Engineering, and Medicine, *Public Health Consequences of E- cigarettes*, 2018. Available at: <https://doi.org/10.17226/24952>.

2016 Surgeon General's report concluded that youth use of nicotine in any form, including e-cigarettes, is unsafe, causes addiction, and can harm adolescent brain development, which impacts attention, memory, and learning. E-cigarettes can also expose users to harmful and carcinogenic chemicals such as formaldehyde and lead.

Flavored tobacco is extremely prevalent in e-cigarettes, and youth e-cigarette use in the United States has skyrocketed to what the U.S. Surgeon General and the Food and Drug Administration have called "epidemic" levels. Data from the Centers for Disease Control and Prevention shows a significant growth in e-cigarette use by youth in the United States. From 2017 to 2018, e-cigarette use increased 78 percent among high school students and 48 percent among middle school students.⁵ Youth are not just experimenting with e-cigarettes but are using them frequently. More than a quarter of high school e-cigarette users are frequent users, using e-cigarettes on at least 20 of the preceding 30 days.⁶ Alarming, one in nine of *all* high school seniors report that they vaped nicotine nearly daily, a strong indicator of addiction.⁷

With SB 177, the Maryland legislature is taking an important step to address this public health threat. Prohibiting the sale of flavored tobacco products will restrict access to the starter nicotine product for many Maryland youth. Maryland will join a growing number of states, cities and counties prohibiting the sale of flavored tobacco products and ensuring the health and safety of its citizens. Kaiser Permanente supports SB 177 because it is consistent with our policies that encourage our 12 million members and the public to avoid use of tobacco products. Prohibiting the sale of flavored tobacco is a positive step to preventing another generation of young people from living with a lifetime of addiction.

Thank you for the opportunity to comment. Please feel free to contact Allison Taylor at Allison.W.Taylor@kp.org or (202) 924-7496 with questions.

Sincerely,



Allison Taylor
Director of Government Relations
Kaiser Foundation Health Plan of Mid-Atlantic States, Inc.

⁵ Karen A. Cullen, Bridget K. Ambrose, Andrea S. Gentzke, et al., "Notes from the Field: Increase in use of electronic cigarettes and any tobacco product among middle and high school students — United States, 2011–2018," *MMWR Morbid Mortal Wkly Rep.*, 67(45), 1276–1277, Nov. 16, 2018. Accessible at: <https://www.cdc.gov/mmwr/volumes/67/wr/mm6745a5.htm>.

⁶ Centers for Disease Control and Prevention (CDC), "Use of Electronic Cigarettes and Any Tobacco Product Among Middle and High School Students—United States, 2011–2018," *Morbidity and Mortality Weekly Report (MMWR)*, 67(45): 1276–1277. https://www.cdc.gov/mmwr/volumes/67/wr/mm6745a5.htm?s_cid=mm6745a5_w.

⁷ Miech, R, et al., "Trends in Adolescent Vaping, 2017–2019," *New England Journal of Medicine*, published online September 18, 2019.

Written Testimony_NBC.pdf

Uploaded by: Torrence, James

Position: FAV



January 25, 2021

Testimony on SB 177 / HB 134
Fight Flavored Tobacco in Maryland

Position: Favorable

No Boundaries Coalition supports SB 177/HB 134.

SB 177/HB 134 is legislation that would end the sale of all flavored tobacco products in Maryland, including electronic smoking devices, menthol cigarettes, flavored cigars, and smokeless tobacco. We urge passage of a bill without amendments, free from the type of regulatory loopholes Big Tobacco has exploited for decades.

Flavored tobacco products lure kids into a life-long struggle with deadly addiction, hooking them on products in flavors like minty menthol, glazed donut, gummy bear, and cotton candy.

For decades, the tobacco industry has targeted Black and Brown communities with their predatory marketing of flavored tobacco products, namely menthol cigarettes. As a result, a staggering 85 percent of all African American smokers smoke menthol cigarettes, resulting in a disproportionate burden of tobacco-related disease and death. African Americans are more likely to die from tobacco-related causes than any other race or ethnic group.

The No Boundaries Coalition (the “Coalition”) is a resident-led advocacy organization building a unified and empowered Central West Baltimore (CWB) across the boundaries of race, class and neighborhoods. The No Boundaries Coalition is the largest grassroots organization in West Baltimore, with over 200 individual members. The Coalition mobilizes residents from seven different neighborhoods in 21217 to address racial and economic inequality in Baltimore City and improve the quality of life for Central West Baltimore residents. Currently, the Coalition is advocating for increased police accountability, safer streets, more opportunities for young people, increased voter turnout and more healthy foods in our neighborhoods.

The Faith & Community Against Flavored Tobacco coalition's mission is to stop Big Tobacco from targeting Maryland's children and Black and Brown communities.

To protect the health and futures of Maryland's youth, we must end the sale of **all** flavored tobacco products in Maryland. Urge Maryland legislators to vote yes on SB 177 and HB 134.

Sincerely,

Councilman James Torrence, Board Member

“deconstructing boundaries, building commUNITY”

1808 Pennsylvania Avenue, Baltimore, MD 21217 | 410-800-2452 | www.noboundariescoalition.com

CLIA Testimony_SB177_BigTobacco.pdf

Uploaded by: Turner, Ryan

Position: FAV



January 28, 2021

Dear Chair Kelley and Members of the Senate Finance Committee:

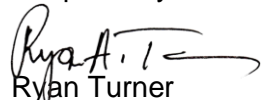
We are writing to you on behalf of Community Law in Action (CLIA) to support SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition" and to extend our appreciation to the Committee for giving this issue the time and consideration it deserves. We encourage you to pass a clean bill that protects our children and communities from a toxic product that kills 7,500 people in Maryland each year and is actively hooking an entirely new generation of kids.

Since 1999, the youth of Community Law in Action have diligently advocated for legislation that would protect their families and communities. Once again, the youth and adult allies of Community Law in Action are rallying together to support legislation that will protect the well being of youth and adults alike. CLIA supports SB177 because it will work to preserve the health outcomes of children, youth and adults especially in our most vulnerable and marginalized communities. Statistics ostensibly demonstrate the harmful effect that tobacco products have on the health of those exposed – both primarily and secondarily.

As we battle the harmful and deadly pandemic of COVID-19, which is known to impact the lungs of those who fall victim; it is incumbent upon us to examine factors that would exacerbate the intensity of lung impact. In the State of Maryland, approximately 343,000 people have been infected with COVID and 6,900 people have died. Available data does not present how many of those individuals were parents of children and youth between the ages of 0-18. But undoubtedly, those individuals were impacted. If we persist with allowing Big Tobacco to target our communities amidst a ravaging pandemic while both wreak havoc on lung capacity, we will experience a wave of trauma that result from parents losing their children and children losing their parents.

The facts are clear – Big Tobacco kills. If we aren't bold in our actions to face Big Tobacco head on, the consequence will be more lives taken. We urge you to support the passage of a clean SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition."

Respectfully Submitted,



Ryan Turner
Executive Director
&

The Youth of Community Law in Action

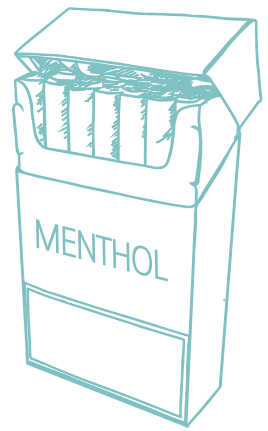
SB 177 - Sponsor - Economic One Pager

Uploaded by: Washington, Mary

Position: FAV



2021 FLAVORED TOBACCO PROHIBITION LEGISLATION




HB 134 & SB 177

What This Bill Does

This legislation prohibits the sale of flavored tobacco products by state-licensed tobacco retailers.

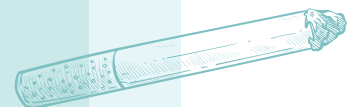
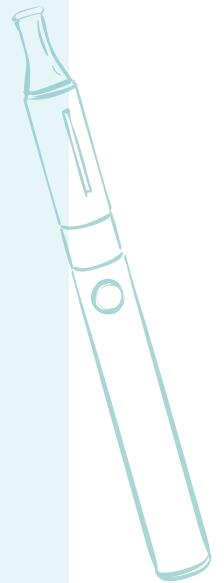
Why This Bill Matters



Flavored tobacco products are the most harmful tobacco products, in large part because Big Tobacco uses flavored products as its primary path to addicting our youth as new smokers.

- **80% of young people who have ever used tobacco start with a flavored product**
- **23% of Maryland high school students now use e-cigarettes**
- **70% of young Black smokers use menthol cigarettes**

By allowing flavored tobacco to create a new generation of smokers, we ensure illness and death will impact thousands of Marylanders each year in the decades ahead. Right now, **7,500 Marylanders die each year from Tobacco-related illnesses, costing Marylanders \$2.7 billion in healthcare every year.**



Summary of Impacts Analyzed by the Maryland Center on Economic Policy

Revenue

The fiscal impact of 2020's tobacco tax legislation, if enacted by the General Assembly in 2021 via veto override, paired with legislation prohibiting flavored tobacco products, is **an estimated net increase of \$41 million in annual revenue**.

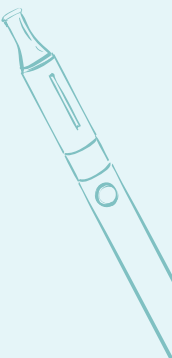
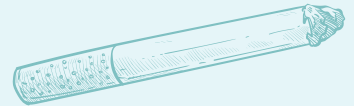
The decline in smoking created by a flavored tobacco prohibition also creates significant personal savings in the health care costs for the thousands of Marylanders afflicted with tobacco related illnesses each year.



Health

Tobacco industry documents show a pattern of "highly targeted menthol cigarette marketing" to persons of color, particularly Black communities, since the 1960s that continues to this day. The impact of this targeted attempt to create addiction is stark. **85% of Black smokers, 57% of Asian smokers, and 50% of Hispanic smokers use menthol cigarettes, compared to just 29% of white smokers.**

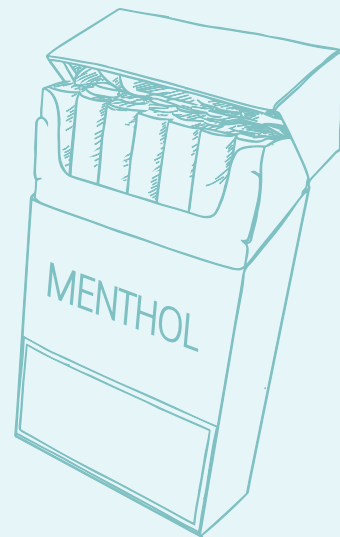
The public health impact of curbing menthol use would be significant for Black smokers, especially Black men. **Today, Black men are more likely to die of lung cancer than any other demographic in Maryland, and suffer heart disease at a rate 56% higher than white Marylanders.**



Economy

There are approximately 385 jobs at e-cigarette specific retailers in Maryland. **This legislation does not impact the sale of unflavored e-cigarettes**, meaning it is unlikely all e-cigarette retail jobs will be affected by a prohibition on flavored e-cigarettes. Regardless, these **jobs represent less than one-tenth of one percent of private-sector jobs statewide**, a one-time figure that pales in comparison to the 7,500 lives lost every year to tobacco-related illnesses. Moreover, on average these jobs pay less than the federal poverty line for a family of four (\$25,750).

For retailers who carry flavored tobacco products as part of a broader retail base, such as convenience stores, evidence shows reduced tobacco use does not materially impact their profitability. **A study of tobacco tax increases in all states over a 13 year period found no decline in convenience stores after tobacco tax increases.**



SB 177 Sponsor - One Pager

Uploaded by: Washington, Mary

Position: FAV



2021 FLAVORED TOBACCO PROHIBITION LEGISLATION

Sponsored by Senator Mary Washington and Delegate Jazz Lewis, **the 2021 bill aims to end the sale of flavored tobacco products in Maryland.**

Our bill **includes all flavored tobacco products** including, but not limited to e-cigarettes, menthol cigarettes, flavored cigars, hookah, and flavored smokeless tobacco. **Tobacco products that are not flavored are not prohibited.**

- **"Flavored tobacco product"** includes a tobacco product with a taste or smell of fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, a candy, a dessert, an alcoholic beverage, an herb, or a spice.
- **"Tobacco product"** means a product intended for inhalation, absorption, ingestion, smoking, heating, chewing, dissolving, or any other manner of consumption by a human being and that is made of, derived from, or contains tobacco or nicotine.
- **"Tobacco product"** includes cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, snus, and any other tobacco product; electronic smoking devices; any component or accessory of items including filters, rolling papers, blunt wraps, hemp wraps, hookahs, pipes, and liquids.

The bill also **prohibits those with an appropriate license from the manufacture, shipment, import, and sale of flavored tobacco products.** A violation is a misdemeanor punishable by maximum penalties of a \$1,000 fine and/or 30-day imprisonment. This includes online sales.

NOTE

The bill does not apply to those who are not licensed. Maryland law already prohibits a person from acting, attempting to act, or offering to act as a manufacturer, retailer, storage warehouse, subwholesaler, vending machine operator or wholesaler in the State **unless the person has an appropriate license.** Maryland law already considers this action to be a misdemeanor punishable by a \$1,000 fine or imprisonment not exceeding 30 days or both.

Most importantly, our bill **holds retailers liable for selling or offering flavored tobacco products and prevents new flavored tobacco products from entering the market.**

PAVE testimony - S.177.pdf

Uploaded by: Willard, Linda

Position: FAV

**MARYLAND SENATE FINANCE COMMITTEE
HEARING ON S.B. 177
TESTIMONY FOR THE RECORD ON BEHALF OF PAVE
JANUARY 28, 2021**

Ms. Chairman, Mr. Vice-Chairman and members of the Committee, thank you for the opportunity to provide written testimony on this important and urgent topic and to express my support for a flavored tobacco ban in Maryland. My name is Linda Willard, and I am a resident of Chevy Chase Village, Maryland. I am the mother of two teenage boys and a pre-teen girl, so the role of flavors in the alarming numbers of youth who are vaping deeply concerns me.

I also am the Maryland representative of a national grassroots organization, Parents Against Vaping and E-Cigarettes, or PAVE. PAVE was started in 2018 by three concerned moms in response to the youth vaping epidemic and is now in more than a dozen states with its chapters, called "pods" all run by volunteers parent advocates like me.

There are three aspects of the use of flavors in tobacco that are particularly harmful to young people.

- 1) Flavors hook kids
- 2) Flavors mask tobacco-related risks
- 3) Flavors do NOT help adults quit smoking

There are currently 15,500 vape or e-cigarettes flavors on the market. Candy-sweet flavors with kid-friendly names like Candy Apple, Unicorn Poop, or Bubblegum mask the harshness of the tobacco flavor. 8 out of 10 teens report that they began vaping because of the flavors. Flavors also give young people a false sense of safety. More than 65 percent of kids who vape report they had no idea these devices contain nicotine.

In fact, one JUUL pod is equivalent to 20 cigarettes, multiples more than are contained in traditional cigarettes. Additionally, JUUL's patented nicotine technology, now used by its many copycats, delivers these huge amounts of nicotine more efficiently to the brain, making it even more highly addictive, particularly to developing brains that are indelibly rewired for further addictions.

You will likely hear arguments that adults need flavors to successfully quit smoking conventional cigarettes. However, that is simply not supported by the research. While adults may prefer flavors, they are more likely to quit smoking cigarettes without flavors, and the evidence that e- cigarettes help adults quit smoking conventional cigarettes is so far unproven. Early research even suggests they lead to dual usage.

The evidence is clear. The extraordinarily high levels of nicotine get kids addicted, flavors attract and keep kids addicted to tobacco, and adults don't need flavored e-cigarettes to quit smoking. I urge you to end the sale of flavored tobacco, including mint and menthol, with no exceptions.

SB177 Testimony (Favorable) - RWA.pdf

Uploaded by: Williams-Abrams, Ryan

Position: FAV

January 28, 2021

Dear Chair Kelley and Members of the Senate Finance Committee:

As a young person living in America, my future is constantly under attack. In the government, I see racist and xenophobic leaders who seem to actively work against the American ideals of equal opportunity and inclusiveness. In the world, I see daily news reports detailing the potentially earth-shattering effects that climate change will bring if no prevention actions are taken. Not to mention a grueling, mishandled pandemic that has taken over 400,000 American lives. With so many outside dangers, internal threats can often be overlooked. One such issue is the growing popularity of flavored tobacco products.

I have seen it first hand; what starts as a random indulgence at parties can quickly overtake someone's life—the nicotine holding them hostage. Suddenly, their daily routines are disrupted when they can't get their hit. In school, they leave class to go to the "bathroom" or, most times, just sneak a puff into their sweatshirt while the teacher isn't looking. When they get caught, teachers and administrators become increasingly aware. They impose new consequences—to no avail. Now, bathroom monitors, a concept I thought would be left in elementary school, have begun stationing themselves in the hallways. For me, it became entirely unsurprising to walk into one of these bathrooms to find a large group of kids sharing a single, smuggled Juul.

As mishandled as they are in school, they're even more dangerous with minimal governmental regulations. Politicians may say that, by pushing back the age to buy tobacco products to 21, they are preventing young people from getting addicted. However, according to statistics, 23% of high school students use e-cigarettes. A politician may ask: what more can be done? The answer is simple: stop advertising colorful and flavorful products to underage people. With flavors like popcorn, cotton candy, and mango, big tobacco companies are knowingly targeting young people with flashy advertisements and commercials, encouraging them to find a way to consume their products.

The only way to stop this attack on our youth is by cutting it off at the source. Big tobacco companies must be held accountable for their actions. Their intentional targeting must cease. Young people are the future. We will inherit a world with countless issues and injustices, all of which we will fight to resolve. Politicians always say that they want to leave a better world for their children, so this is your chance to prove it. Prove to the young people across the state that you care enough to protect us. If you don't, if you choose to sit idly by while predatory industries attack our most vulnerable, we will vote you out. Young people vote for our future. If you are too cowardly to support us, you will be left in the past. End the sale of flavored tobacco products. Protect your children and their future.

Thank you for your consideration.

Respectfully,
Ryan Williams-Abrams
Maryland Youth Against Tobacco Coalition

SCW BWC Flavored Tobacco Statement IV.pdf

Uploaded by: Wilson, Stacey

Position: FAV



Baltimore-Washington Conference

The United Methodist Church

REV. DR. STACEY COLE WILSON

EXECUTIVE MINISTER OF JUSTICE AND SERVICE

TEL. 240-581-5366 OR 443-983-4112

January 25, 2021

Testimony on SB 177 / HB 134 ***Fight Flavored Tobacco in Maryland***

Position: Favorable

Baltimore-Washington Conference of The United Methodist Church (Advocacy and Action) supports SB 177/HB 134.

SB 177/HB 134 is legislation that would end the sale of all flavored tobacco products in Maryland, including electronic smoking devices, menthol cigarettes, flavored cigars, and smokeless tobacco. We urge passage of a bill without amendments, free from the type of regulatory loopholes Big Tobacco has exploited for decades.

Flavored tobacco products lure kids into a life-long struggle with deadly addiction, hooking them on products in flavors like minty menthol, glazed donut, gummy bear, and cotton candy.

For decades, the tobacco industry has targeted Black and Brown communities with their predatory marketing of flavored tobacco products, namely menthol cigarettes. As a result, a staggering 85 percent of all African American smokers smoke menthol cigarettes, resulting in a disproportionate burden of tobacco-related disease and death. African Americans are more likely to die from tobacco-related causes than any other race or ethnic group.

The United Methodist Church and its predecessor denominations have a long history of witness against the use and marketing of tobacco products. There is overwhelming evidence linking cigarette smoking/tobacco products with lung cancer, cardiovascular diseases, emphysema, chronic bronchitis, and related illnesses. Alarming statistics point to the impact of tobacco companies and their marketing practices to entice people to smoke.

Furthermore, we are outraged by the use of marketing techniques aimed at young people (children, youths, and young adults) worldwide and legal mechanisms used by leading cigarette manufacturers to loosen regulations and reverse laws enacted by countries and US states to restrict tobacco marketing. These practices are in direct conflict with the global tobacco treaty, The Framework Convention on Tobacco Control, which outlines the most effective policy in controlling tobacco in the interest of public health.



Baltimore-Washington Conference

The United Methodist Church

REV. DR. STACEY COLE WILSON

EXECUTIVE MINISTER OF JUSTICE AND SERVICE

TEL. 240-581-5366 OR 443-983-4112

Thus, it is our moral and spiritual obligation to protect our children and vulnerable adults especially those who are lured by flavored substances that are detrimental to their health, academic and personal success.

The Faith & Community Against Flavored Tobacco coalition's mission is to stop Big Tobacco from targeting Maryland's children and Black and Brown communities.

To protect the health and futures of Maryland's youth, we must end the sale of **all** flavored tobacco products in Maryland. Urge Maryland legislators to vote yes on SB 177 and HB 134.

Sincerely,

Rev. Dr. Stacey Cole Wilson

Baltimore-Washington Conference of The United Methodist Church

SB 177- Business Regulation- Flavored Tobacco Prod

Uploaded by: Witten, Jennifer

Position: FAV



Maryland
Hospital Association

January 28, 2021

To: The Honorable Delores G. Kelley, Chair, Senate Finance Committee

Re: Letter of Support- Senate Bill 177- Business Regulation - Flavored Tobacco Products - Prohibition

Dear Chair Kelley:

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment on Senate Bill 177.

Under our unique Total Cost of Care Model, Maryland recently committed to reduce rates of severe maternal morbidity, uncontrolled asthma in children, and the impact of diabetes within the next three-to-five years. Accomplishing these goals will require a multi-disciplinary approach that extends beyond the four walls of the hospital and focuses on promoting the health of our communities.

Smoking is a leading cause of preventable disease, disability and death in the U.S.¹ Smokers are 30-40% more likely to develop Type 2 diabetes than nonsmokers, according to data from the Centers for Disease Control and Prevention.² Diabetic smokers have higher rates of heart and kidney disease. Smoking can harm youths' lung growth and function, which can make them susceptible to disease.³ A recent study also found youth who vape were five to seven times more likely to contract COVID-19 than youth who did not use e-cigarettes.⁴

Senate Bill 177 targets one of the root causes of youth smoking by prohibiting manufacturing, shipping, importing, or selling flavored tobacco products in Maryland. Research shows 80% of youth who have smoked started with a flavored tobacco product, and most of the youth who use e-cigarettes do so because of the flavors.^{5,6}

Youth and young adults are more at risk for long-term and long-lasting effects of nicotine exposure. Risks include nicotine addiction, mood disorders, and permanent diminished impulse control. Additionally, because the brain is still developing—and addiction is a learned

¹ National Center for Chronic Disease Prevention and Health Promotion. (n.d.) [Tobacco Use](#).

² Centers for Disease Control and Prevention. (n.d.). [Smoking and Diabetes](#).

³ Centers for Disease Control and Prevention. (n.d.). [Smoking and Youth](#).

⁴ Stanford Medicine. (August 11, 2020). [Vaping Linked to COVID-19 Risk in Teens and Young Adults](#).

⁵ Journal of the American Medical Association. (October 16, 2015). "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014."

⁶ U.S. Food and Drug Administration. (March 14, 2019). [Guidance for Industry: Modifications to Compliance Policy for Certain Deemed Tobacco Products](#).

behavior—nicotine in e-cigarettes and other tobacco products can prime the adolescent brain, increasing the risk they’ll use other drugs.⁷

Tobacco use carries significant health risks and causes economic harm by raising health care costs and reducing productivity. Smoking-related health care costs are roughly \$2.71 billion per year.⁸

Passing SB 177 is a step in the right direction to address this multi-faceted problem and improve the health of all Marylanders, especially our youth.

For these reasons, we urge *favorable* report.

For more information, please contact:
Jennifer Witten, Vice President, Government Affairs
Jwitten@mhaonline.org

⁷ US Surgeon General.(n.d.). [Know the Risks](#).

⁸ Campaign for Tobacco-Free Kids. (October 20, 2020). [The Toll of Tobacco in Maryland](#).

Angelina Xu - Anti Flavored Tobacco Testimony.pdf

Uploaded by: Xu, Angelina

Position: FAV

January 28, 2021

Dear Chair Kelley and Members of the Senate Finance Committee:

I am testifying today as a member of the Maryland Youth Against Flavored Tobacco Coalition to support SB 177 - “Business Regulation - Flavored Tobacco Products - Prohibition.” This coalition consists of many youth-led organizations that are both county-wide such as the Montgomery County Student Government Association (MCR-SGA) and state-wide such as Maryland Youth For Change. Following several meetings with both middle and high school students who have also been personally impacted by flavored tobacco, I have been inspired to submit a written testimony detailing my personal experiences with flavored tobacco.

When I first entered middle school, it brought a whole host of new changes. Many were good, such as becoming more independent and making dozens of new friends; but some were less positive than I thought they would be, such as being exposed to a culture that glorifies JUULing. In sixth grade, I made an incredible friend named *Alice in our computer science class. After being forced to sit together on the first day of school, we became incredibly close friends — even though that was only after I gave her some of the chips I was eating. Although I knew that she had friends that used JUUL, I never thought that she would turn to it. In my head, I thought that someone I knew as one of the most responsible students in our grade would never turn to nicotine. That somehow receiving an A every quarter was enough to ward off any tobacco addiction.

Seventh grade brought along numerous changes, but the most notable were the introduction of a quarter-long health class and a newfound distance between Alice and me. In health, we had an entire unit dedicated to the negative effects of tobacco on both your health and social relationships. Although the increased risk of lung cancer and other horrific illnesses were constantly being drilled into our consciousnesses, I continued to watch as my classmates and even friends fell victim to the relentless social pressure surrounding the usage of JUULs. I would sit in my health class listening to students asking about where to buy JUUL pods — even when we had just finished a lesson warning against vaping. I could only wonder to myself whether one of the reasons Alice and I had drifted apart was because she had started to vape.

My suspicions were only proved correct in eighth grade. I had to watch as the friend that would constantly FaceTime me to work on homework together turned into someone who would skip class just to visit the bathroom and JUUL. I tried to talk to her and convince her to see our school counselor on her own, but she always shook me off by saying she was already seeing a therapist and that she had everything together. A few months later, she admitted that she had already tried to stop vaping for a bit and that the withdrawal effects were too much for her. She was worried that she had already fallen too deep into flavored tobacco’s trap.

Luckily for Alice, she was able to push through the withdrawal symptoms and end her tobacco addiction. But I knew countless other classmates that were isolated and immensely hurt by their usage of flavored tobacco. What disappoints me is that an entire system let Alice and many other students down by neglecting her when she needed help the most. Years of Alice's life were spent fighting against the relentless temptation of tobacco addiction, and I know that to this day she still struggles with it. For these reasons, I urge you to support the passage of a clean SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition."

Respectfully Submitted,

Angelina Xu

Maryland Youth Against Tobacco Coalition

All names have been changed for privacy concerns.

Aliza Zulfiqar-Testimony in support of SB 177 .pdf

Uploaded by: Zulfiqar, Aliza

Position: FAV

January 28, 2021

Dear Chair Kelley and Members of the Senate Finance Committee:

I am writing to you on behalf of MoCo for Public Health (MCPH) in support of SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition" and would like to thank the Committee for taking on this important issue and for working to combat the deadly crisis associated with Tobacco products in the state of Maryland. As the Co-Chief of MCPH, I join my team members and other organizations like Montgomery County Student Government Association (MCR-SGA) and DC Teens for Action in joining the Maryland Youth Against Flavored Tobacco (MD YAFT) Coalition.

As a member of this coalition I've had the opportunity to meet with many other organizations, teens, young kids, and adults to discuss how flavored tobacco has affected us all. We've also met to educate each other and the general public on exactly how negatively flavored tobacco has affected high and middle school students, and the adult population. From the first-hand experiences many of us students have on how flavored tobacco affected our friends and peers to seeing our loved ones health deteriorate, along with the large amount of research and studies done on the harm of flavored tobacco, the answer is clear—flavored tobacco has to go.

Today you have the chance to make this happen and I ask that you vote in favor of SB 177. But as you make this decision I want you to keep the first hand experiences with flavored tobacco that my fellow peers, friends, and the youth of Maryland have had in mind.

The first time I truly saw the negative impact of flavored tobacco in school was in the 8th grade when a group of students decided to skip class to use JUUL inside a bathroom just outside of my 2nd period U.S. History class. As my classmates and I learned about how various historical figures stood up for themselves throughout history, my peers missed out on this valuable learning, forming gaps in their education. As students from nearby classes utilized the bathroom, commotion began to stir about what was happening. Some students came back worried about the path that their friends were going down, others unfortunately felt pressured to join in on the terrible activity. Eventually the teachers caught on and a group of them stopped their classes mid-lecture to dismantle the situation. Our precious class time was wasted because of an addictive flavored tobacco product.

However, just because teachers broke up one instance of kids vaping doesn't mean they fixed the issue. I see those same peers and as the years have gone on, more and more of them falling into the trap of flavored tobacco products. I see them so desperate to hit their JUUL that they do it right before starting a test. I see them coming late to class because their "one last hit" spiraled out of their control. I see them struggling in school as a result of their addiction. I see them afraid to admit what they're going through. I see them looking at the anti-vape and flavored tobacco awareness posters hanging around school hallways with unease and guilt in their eyes, but yet a hand in their pocket clutching their JUUL, wishing so deeply that they could stop. If only they could just stop. But they can't just stop.

Not when there are Big Tobacco companies willing to sacrifice the lives of my peers and my friends just for a couple more million dollars in their ever growing pockets. Not when flavored tobacco companies willingly spend millions and millions of dollars just to inch themselves into every aspect of our lives by advertising on Instagram, Snapchat, Twitter, Youtube, and everywhere else we go—attached to us better than our own shadows.

To my peers, combatting their addiction to flavored tobacco seems impossible. It seems like a dream that's deferred everytime they fail sobriety. For you this is not impossible. For you have the power to revive their ever longing dreams. Senators and members of the committee I urge you to support the passage of SB 177. Your one decision will change the lives of many students and residents of Maryland. It will have a rippling effect in all aspects of all our lives for the better. Supporting SB 177 - "Business Regulation - Flavored Tobacco Products - Prohibition," would be a huge leap forward in the academic, personal, emotional, and social success of students around Maryland.

Sincerely,

Aliza Zulficar
MoCo for Public Health
Maryland Youth Against Tobacco Coalition

SB177 - Business Regulation – Flavored Tobacco Pro

Uploaded by: Zwerling, Samantha

Position: FAV

**Testimony SUPPORT of Senate Bill 177
Business Regulation – Flavored Tobacco Products – Prohibition**

**Senate Finance Committee
January 28, 2021**

**Samantha Zwerling
Government Relations**

The Maryland State Education Association supports Senate Bill 177, which would end the sale of flavored tobacco products in Maryland. MSEA urges the committee to pass a clean bill that protects students and communities from a toxic product that kills 7,500 people in Maryland each year and is actively hooking an entirely new generation of kids.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our 896,837 students for careers and jobs of the future. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

Educators have joined efforts to end teen use of flavored tobacco products as a matter of public health, student well-being, and good public policy. As recently as 2018, MSEA members renewed their support for "public policy that focuses on the prevention and treatment of substance abuse disorders" and "working with appropriate agencies to develop programs to end all types of substance abuse among students." While the state had made strides in reducing youth tobacco use, e-cigarettes have undermined that progress and created a new youth tobacco epidemic. Last year, the National Education Association joined 50+ organizations calling on Congress to pass the Reversing the Youth Tobacco Epidemic Act of 2019, which would ban flavored products nationally.

With youth tobacco usage on the rise, Maryland must act now. Flavors like fruit medley, pop rocks, and gummy bear attract teens and young people and hook them on these products. These fun sounding flavors mask the harmful effects of these e-cigarettes, which are sometimes more deadly than traditional tobacco products.

Maryland has made great strides to reduce smoking rates and has saved lives. It's time to take the next step and safe-guard Maryland's youth from these destructive products. **MSEA urges a Favorable Report on Senate Bill 177.**

20-Sb177- flavor-amendment-Maryland form-2021.pdf

Uploaded by: Bohle, Matthew

Position: FWA

BY: Premium Cigar Retailers Association of Maryland

AMENDMENT TO SENATE BILL 177

(First Reading File Bill)

AMENDMENT NO. 1

On Page 2, after line 20" insert "(3) FLAVORED TOBACCO PRODUCT" DOES NOT INCLUDE PREMIUM CIGAR OR PIPE TOBACCO."

AMENDMENT NO. 2

On Page 7, after line 21 insert "(3) "FLAVORED TOBACCO PRODUCT" DOES NOT INCLUDE PREMIUM CIGAR OR PIPE TOBACCO."

PCA Flavor Bill Overview.pdf

Uploaded by: Bohle, Matthew

Position: FWA

SETTING THE RECORD STRAIGHT: NIH & FDA DATA ON PREMIUM CIGAR USE AND PUBLIC HEALTH IMPACT



Premium Cigar Association

513 Capitol Court NE Washington, DC 20002 | 202-621-8064 | www.cigaraction.org

Data from recent government-funded and government-led studies definitively prove that premium cigars are a unique product category that are almost exclusively enjoyed by older adults infrequently.

.02%

Only **.02%** reported smoking a premium cigar in the past 30 days



Over half (52%) of current premium cigar smokers (25 and older) have a **college degree**—compared to 32% across the US population



The average age of an individual's first premium cigar is **30 years old**—compared to 16.7 years old for cigarettes



There is **no meaningful correlation** between premium cigars and cigarette smoking



The average premium cigar consumer smokes **1.2 days out of every 30**—compared to 29.6 days out of 30 for cigarette smokers



97% of all premium cigar consumers do not smoke daily



No statistically significant increase in risk for smoking related diseases can be found between non-daily premium cigar smokers and non-smokers in general

THE STUDIES:

PATH Study: The Population Assessment of Tobacco and Health (PATH) study is a joint study by the FDA and the National Institutes of Health (NIH) that covers a multi-year cross section of youth and adult. PATH is one of the few government studies that effectively identified and analyzed data specific to premium cigars.

National Longitudinal Mortality (NLM) Study: An article published in the Journal of American Medicine (JAMA) analyzed the NLM study which tracked a population of 350,000 Americans for nearly 3 decades. The article, Association of Cigarette, Cigar, and Pipe Use with Mortality Risk in the US Population, examined the relationship between mortality, risk and use across a range of tobacco products over a population of over 350,00 individuals for nearly 3 decades.

Visit www.cigaraction.org to learn more.

SB 177 - FWA - MD PCA.pdf

Uploaded by: Bohle, Matthew

Position: FWA

Premium Cigar Retailers of Maryland On Senate Bill 177 and House Bill 134



The Premium Cigar Retailers of Maryland (PCRM) is a not-for-profit trade association representing 30 premium cigar and pipe tobacco specialty stores in Maryland. Our bricks-and-mortar members are family-owned small businesses that employ an average of 6-7 people from the local community. Hand-crafted premium cigars account for 80% of all PCA members' sales.

PCRM MEMBERS OPERATE ADULT-ONLY ESTABLISHMENTS

Premium cigar and pipe tobacco specialty stores are adult-only businesses run by professional tobacconists. Premium cigars and pipe tobacco are not available for sale in convenience stores or other non-specialty stores accessible by youth because they are highly perishable, requiring special care in a controlled humidified environment by a professional tobacconist.

THE PROBLEM

Broad language in both SB 177 and HB 134 extends far beyond banning tobacco products that are being marketed to and used by youth. With vast room for interpretation, SB 177 and HB 134 also extends to premium cigars and pipe tobacco which are sold in adult-only specialty stores. For many retailers, mass market tobacco sales are incidental to their businesses, but premium cigar and pipe tobacco specialty stores cannot make up lost revenue from a tobacco sales ban by selling food, milk, or gasoline.

THE SOLUTION

Amend SB 177/HB 134 to remove premium cigars and pipe tobacco from the scope of the legislation because they are sold at age restricted premium cigar and pipe tobacco specialty stores.

FLAVORS

Much like coffee or fine wines and spirits, premium cigars and pipe tobacco are luxury products described with tasting notes even though they may not contain flavor additives as demonstrated by this Cigar Aficionado review: "Every last leaf in this blend is Nicaraguan and every puff is an overture of flavors that's at times heavy and rich with notes of dark chocolate and wood, and other times, subtle and understated with hints of fine caramel and toasted almonds. In musical terms, the word for this box-pressed torpedo would be dynamic."

PRECEDENT

Massachusetts is the only state in which a flavored tobacco ban that extends beyond vapor products is in effect. In 2019, the Commonwealth recognized that unique, adult-only purveyors of premium tobacco products are different than other tobacco retailers. Premium cigar and pipe tobacco specialty stores were excluded from the Massachusetts flavor ban.

DATA

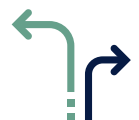
Analyzed data in the Analyzed data in the National Institute of Health and the Food and Drug Administration's PATH Study is specific to premium cigars —often other studies lump premium cigars with products like cigarettes, e-cigarettes, or non-premium cigars that are machine made, have flavor additives, and are sold in C-stores. The data collected in this study demonstrates that:



The average age of an individual's first premium cigar is **30 years old** – compared to 16.7 years old for cigarettes.

1.2

The average **premium cigar consumer smokes 1.2 days out of every 30** --compared to 29.6 days out of 30 for cigarette smokers.



There is no meaningful correlation between premium cigars and cigarette smoking.

MD SB 177 Letter.pdf

Uploaded by: Ali, Adnan

Position: UNF

NSR Petro Services
7303 Hanover Pkwy
Greenbelt, MD 20770

January 25, 2021

To Members of the Senate Committee:

Subject: Maryland SB 177

Dear Senate Committee,

As both constituents and small business owners, we are writing to express grave concern regarding SB 177, which would ban the manufacturing and sale of menthol cigarettes, flavored tobacco and vapor products. Our business, NSR Petro Services, owns and operates over 40 retail and fuel sites in the state of Maryland. Our company employs approximately 400 employees across these sites and is only able to do so because of the revenue we generate, of which nearly 40% is derived from the sale of flavored tobacco and menthol products. With the ban proposed by this bill, not only would we as a small business suffer immense loss but it would also manifest in unemployment rates spiking, as we would not be able to afford nor require as many employees. I am certain that we will see a similar trend across retail businesses in the same industry, setting Maryland up for incredible job loss. With the pandemic still looming over us indefinitely, it would be irresponsible to pass a bill that takes a direct hit at the livelihoods of so many of Maryland's constituents and in turn, the economy.

It is also imperative to note that many consumers use menthol products as an alternative to traditional smoking. This bill impedes on safe access to such alternatives instead of supporting a retail environment where sales can be monitored, and laws can be enforced. The banning of these products in Maryland, where over 50% of smokers strongly prefer menthol products, will not prevent the consumption of such products. It will only lead inconvenienced consumers to bordering states where their sale is still accessible, only taking away from our own state revenue.

We strongly believe that SB 177 is not in the best interest of small businesses, the state of Maryland, or its constituents. We urge you to vote no on SB 177 and any legislation that would severely restrict access to such products. Thank you for considering our sincere concern on this issue.

Sajid Chaudhry

NSR Petro Services

NSR Petro Services Business Index

Store Name	Store Address
Arena Sunoco	1020 Largo Center Dr, Upper Marlboro, MD, 20774
Brinkley Market	3311 Brinkley Rd, Temple Hill, MD, 20748
Brinkley Sunoco	3301 Brinkley Rd, Temple Hill, MD, 20748
Clinton Valero	6725 Old Alexandria Ferry Rd, Clinton, MD, 20735
Enterprise Sunoco	12224 Central Ave, Mitchellville, MD, 20721
Highbridge BP	6021 Highbridge Rd, Bowie, MD, 20720
Kenilworth Sunoco	4836 Kenilworth Ave Hyattsville MD 20781
Landover Sunoco	7530 Martin Luther King Jr Hwy, Landover, MD, 20785
Landover Shell	8555 Martin Luther King Jr Hwy, Lanham, MD, 20706
Lanham Sunoco	9105 Annapolis Rd, Lanham, MD, 20706
Camp Spring Sunoco	7096 Allentown Rd, Temple Hill, MD, 20748
PG Plaza Sunoco	3599 East West Hwy, Hyattsville, MD, 20781
Rosecroft	6100 Oxon Hill Rd, Oxon Hill, MD, 20745
Silver Hill BP	3600 Saint Barnabas Rd, Suitland, MD, 20746
Forest Drive Sunoco	1207 Forest Dr, Annapolis, MD, 21403
Landmark Sunoco	190 South Whiting St, Alexandria, VA, 22304
Aspen Hill Citgo	13615 Georgia Ave, Silver Spring, MD, 20906
Aspen Hill Sunoco	14031 Georgia Ave, Silver Spring, MD, 20906
South Dakota BP	4925 South Dakota Ave NE, Washington DC, 20017
Laurel BP	311 Washington Blvd, Laurel, MD, 20707
Livingston Zip-in	6801 Livingston Rd, Oxon Hill, MD, 20745
Edgewater 7/11	3080 Solomons Island Rd, Edgewater, MD, 21037
Beltway BP	9475 Georgia Ave, Silver Spring, MD 20910
Twinbrook Sunoco	1907 Veirs Mill Rd, Rockville, MD, 20851
ParkLawn Sunoco	12400 Parklawn Dr, Rockville, MD, 20852
Brookland Exxon	3426 18th St NE, Washington DC, 20018

Fast Fuel	1320 Old Bridge Rd, Woodbridge, VA, 22192
Hollywood Shell	24686 Three Notch Rd Hollywood MD 20636
Charlotte Hall Shell	30295 Three Notch Road, Charlotte Hall MD 20622
Hughesville Corner Express	7756 Leonard Town Rd Hughesville Md 20637
Leonardtown Shell	25355 Point Lookout Road Leonardtown Md 20650
Mechanicsville Shell	28270 Three Notch Rd Mechanicsville Md 20659
Korner Karryout	27350 Three Notch Rd Mechanicsville Md 20659
228 Shell	10195 Berry Road Waldorf MD 20603
Prince Fredrick Shell	55 Traditional Way Prince Fredrick Md 20678
Taneytown Exxon	251 E Baltimore St, Taneytown, MD 21787
Emmitsburg Exxon	110 Silo Hill Rd, Emmitsburg, MD 21727
711 Windsor Mill	2701 N Rolling Rd Windsor Mill 21244
Odenton Sunoco	1433 Annapolis Rd, Odenton, MD 21113
Hanover Sunoco	Ridge Rd Hanover Md 21076
Gainesville Bp	7601 Somerset Crossing Dr Gainesville VA 20155

SB177&273.pdf

Uploaded by: Andrews, Tim

Position: UNF



AMERICANS for TAX REFORM

January 26, 2121

Maryland Senate Finance Committee
Miller Senate Office Building,
11 Bladen St., A
Annapolis, Maryland,

Members of the Senate Political Subdivisions Committee,

722 12th Street N.W.

Fourth Floor

Washington, D.C.

20005

T:(202)785-0266

F:(202)785-0261

www.ATR.org

I thank the Committee for the opportunity to present this testimony on behalf of Americans for Tax Reform (ATR), a non-governmental non-profit organization which advocates in the interests of taxpayers and consumers throughout the United States. ATR offers the following testimony in opposition to SB 177 & 273, which seek to restrict access to life-saving reduced risk tobacco alternatives such as electronic cigarettes. These include bans on flavors, restricting entry to vape stores without electronic ID verification, forbidding online/remote sales, and pre-empting the FDA's authority on component and ingredient disclosure. **If enacted, these bills would have a disastrous impact upon not only businesses, but public health throughout the State, and lead to a clear increase in tobacco-related mortality.** SB177 also institutes a ban on all flavored conventional tobacco products, such as menthol cigarettes, which would have a disastrous impact on the Maryland economy and state finances, lead to a boom in illicit smuggling operations, and cause significant harm to minority populations. Given the significant overlap between these two bills in regard to flavors of reduced risk tobacco products, this submission will address these bills in tandem.

The smoking of traditional combustible tobacco products remains one of the leading preventable causes of death in the State of Maryland. It is noted, however, that the negative health effects of smoking combustible tobacco come not from the nicotine, a relatively benign, yet highly addictive substance much like caffeine, but rather the chemicals produced during the combustion process – “people smoke for the nicotine but die from the tar”. For this reason, nicotine replacement therapies such as nicotine patches and gums have been used to help smokers quit for decades.

In more recent years, technology has developed to allow for the creation of more effective alternative nicotine delivery systems, colloquially known as e-cigarettes or personal vaporizers. Through delivering nicotine through water vapor, these mimic the habitual nature of smoking, however, the absence of “smoke” leads to the absence of the carcinogens created through the combustion of tobacco. **As a result, these have been overwhelmingly proven to be 95% safer than combustible cigarettes, while least twice as effective as more traditional nicotine replacement therapies. For this reason, over 30 of the world's leading public health organizations have endorsed nicotine vaping as safer than smoking and an effective way to help smokers quit.** This list includes Cancer Research UK; the British Medical Association; the British Lung Foundation; the New Zealand Minister of Health; the US National Academies of Sciences, Engineering, and Medicine; the American Association of Public Health Physicians; the Royal Australian College of Physicians; the French National Academy of Pharmacy; and the German Federal Institute for Risk Assessment.

It is further noted that studies have repeatedly shown that flavors, which these bill seek to ban, are critical to helping adult smokers make the switch to vaping, and that adults who used flavored e-cigarette products have been found to be more than twice as likely to quit smoking combustible cigarettes than adults using non-flavored vaping products. Multiple studies have shown that banning all flavors in e-cigarettes (except tobacco flavor) would result in a decline in

the use of e-cigarettes and an increase in the smoking of deadly combustible cigarettes. This deadly shift would occur because flavors “contribute to both perceived pleasure and the effort to reduce cigarette consumption or quit smoking.” One such study found a simple ban on all flavors but tobacco in e-cigarettes would increase smoking by 8.3 percent. In addition, Public Health England canvassed a number of vaper surveys and found that “banning flavored liquids would deter them [vapers] from using vaping products to help them quit or reduce their smoking. It could also push current vapers towards illicit products.” Public Health England therefore concluded that, “[a ban on flavored liquids could have adverse effects and unintended consequences for smokers using vaping products to quit.](#)” Concerningly, one nationwide British survey from 2019 found that if a vaping flavor ban were enacted, then 25 percent of vapers would still try to get flavors through the black market. Nearly 10 percent who use flavored liquids said they would stop vaping, and 20 percent said that they would either smoke more tobacco or return to smoking tobacco entirely.

While flavors in vaping products are critical in helping adults quit smoking, the evidence also demonstrates that they play no role in youth uptake of vaping. A 2015 survey of nonsmoking teens aged 13-17 found interest levels in flavored e-cigarettes at 0.4 out of a possible score of 10. Additionally, fewer than a third of high school students self-report to care about flavors. Academic studies have found that teenage non-smokers’ “willingness to try plain versus flavored varieties did not differ” and a mere 5 percent of vapers aged 14-23 reported it was the different flavors that attracted them to e-cigarettes. It is also worth noting that, despite media reports to the contrary, data from the National Youth Tobacco Surveys demonstrates that youth dependence on nicotine in US high school students has [not increased since the](#) introduction of these products to the market.

We would also like to draw the committee’s attention to the fact that other aspects of SB 273, such as the prohibition on online or remote sales, and the requirement of certain products to be sold to certain stores would significantly reduce access to persons in rural and remote areas of the state. **Were these restrictions enacted, these persons, often in lower socioeconomic demographics and at the highest risk of smoking related mortality, would not have access to these reduced risk products, and would have no choice but to continue smoking combustible tobacco.**

The Food and Drug Administration already requires that every legal nicotine vapor product in the country undergo a lengthy pre-approval process by this May. Part of this review process requires an FDA determination that the continued availability of a vaping product is appropriate for the protection of public health. Without an FDA approval, the product cannot be sold to consumers. It is, as such, inappropriate for the State to attempt to pre-empt the FDA’s authority on component and ingredient disclosure.

Extrapolating from a large-scale analysis by the US’s leading cancer researchers and coordinated by Georgetown University Medical Centre, **if a majority of Maryland smokers made the switch to vaping, close to [150,000 lives would be saved](#). In seeking to reduce access to these life-saving products, these bills place these lives in jeopardy.**

ATR further submits that in addition to the public health disaster that reducing access to reduced risk tobacco alternatives will unleash, these proposals would also have devastating consequences on businesses, at a time they can afford it least. At a time of great hardship due to the Covid-19 pandemic, a bill which would effectively outlaw sections of the Maryland economy costing jobs and business owners their livelihoods, would have a devastating impact in terms of its economic cost.

In addition to the flavor bans imposed by SB 273 and SB 177 on reduced risk tobacco alternatives, SB 177 extends flavor prohibition to menthol cigarettes and other conventional tobacco products. Similar to bans on flavors in reduced risk tobacco alternatives, these would also come with significant negative consequences for the state, with no evidence whatsoever that they have any effect in reducing smoking rates. To the contrary, real world evidence from Massachusetts demonstrates that such bans are counterproductive and come at significant cost.

Since Massachusetts implemented a ban on all flavored tobacco products in the middle of 2020, cross-border purchases and the creation of a booming black market have more than made up a decline in sales in the Commonwealth. In the first six months since the ban was enacted, Massachusetts retailers have sold 17.7 million fewer cigarette packets compared to the same six months in the prior year, while neighboring Rhode Island and New Hampshire have combined to sell 18.9 million more as Massachusetts residents stock up across state lines. **The loss to the state, already in the midst of a fiscal crisis brought on by the Covid-19 pandemic, has thus far been a staggering \$73,008,000.** Given fewer than \$5 million of the over \$500 million the state collects in tobacco excise is spent on smoking cessation programs, the remainder allocated to the general fund, this shortfall will likely lead to further tax increases, hurting struggling families and businesses even further, and there is little doubt a similar effect would occur in Maryland.

While the states of Rhode Island and New Hampshire have been some of the biggest beneficiaries of Massachusetts' ban, collecting close to \$50 million in additional revenue, criminal syndicates have also benefited. Contrary to popular belief that tobacco smuggling is a victimless crime consisting of someone purchasing a few extra cartons across state lines, in reality most tobacco smuggling is run by multi-million dollar organized crime syndicates. **These networks, who also engage in human trafficking & money laundering, have also been used to fund terrorist and the US State Department has explicitly called tobacco smuggling a "threat to national security".**

It is also worth noting that paradoxically these bans may therefore increase youth smoking in Maryland. By definition criminals and smugglers are unlikely to obey laws and would not follow rigorous age-verification requirements mandated at reputable outlets.

In addition to lost revenue the financing of criminal activities, and potential increase in youth uptake, another adverse effect of these bans is the disproportionate harm it inflicts upon minority communities. Approximately 80% of blacks and 35% of Latinos who choose to smoke prefer menthol cigarettes, and black adults are 60% of cigarillo and non-premium cigars smokers, with these products often flavored. For this reason, civil liberty organizations such as the ACLU and the Law Enforcement Action Partnership oppose flavor bans as they **"disproportionately impact people and communities of color."**

For the reasons outlined above, in the interests of public health, protecting the Maryland economy, and preventing the spread of smuggling cartels and the disproportionate targeting of minorities, we call upon the Committee to accept the science and vote against SB 177 & 273.

Sincerely,

Tim Andrews
Director of Consumer Issues
Americans for Tax Reform

Tobacco Letter 1-25-2021.pdf

Uploaded by: Anvari, Mansoor

Position: UNF

Date: January 24, 2021

Written Testimony to oppose Menthol and Flavor Ban Bill (SB 177)

I, Mansoor Anvari, of Highland Maryland, affirm that all statements in this testimony are accurate.

I am an owner and partner in 11 convenience retail stores in Maryland, all located in Central Maryland (Howard, Montgomery, Prince Georges, Frederick counties). Together at these stores, we employ more than 100 people.

Needless to say, the proposed ban of menthol tobacco products will severely damage our businesses, leading to crippling financial hardship for us. The result would be closure of some of our stores and layoffs of many of our staff. The wider community of customers that our stores currently serve would face decreased choices, higher prices and less convenience.

There is a long history in our country of products being banned, only for that market to move to illicit and illegal channels, resulting in extraordinarily harmful consequences to our society. Whether it is the alcohol prohibition era of 1920s or the more recent cannabis ban being slowly overturned, the damage to society has been immeasurable and long-lasting.

A better approach for our government would be smartly legislate the distribution and sale of menthol tobacco products. We urge you to reconsider this ban and partner with us to enforce the already-available regulations to prevent abuse such as minimum age-restrictions, constraints on quantities, robust licensing, and partner in developing public educational programs regarding responsible tobacco use.

Sincerely



Mansoor Anvari

Spring Ridge Exxon
Landoverhills Exxon
Airpark BP
Jessup BP
Shell Foodmart
Johns Hopkins Exxon
Lyndwood Exxon
Waterloo Exxon
Columbia Liberty
Gude Drive Liberty
Olney Exxon

NF Baltimore Letter_Brewster, Jared.pdf

Uploaded by: Brewster, Jared

Position: UNF



Jared E. Brewster
Neighborhood Forward (Maryland)
2229 St. Paul Street
Baltimore, MD 21218

Dear Senate Finance Committee Members:

Neighborhood Forward is concerned with *SB177 Business Regulation – Flavored Tobacco Products – Prohibition* recently introduced legislation that would ban the sale of menthol cigarettes. In the course of the debate over this bill, many pressing and critical issues have been raised concerning both the public health and the criminal justice implications of a ban on cigarettes that are preferred by people of color.

Although we have taken a different position concerning this legislation than others, we all share the same belief that we can have a robust and productive debate that prioritizes both public health and criminal justice concerns. Our collective primary interest is protecting the public, specifically communities of color, from abuse at the hands of both corporate influences and law enforcement.

To that end, we are requesting that any proposed ban on menthol cigarettes be withdrawn at this time, and a working group convened, with the set mission to offer recommendations for new legislation. That working group must take into account all of our collective concerns and address the need for greater public health protections that do not compromise our constitutional and civil rights.

It is unjust to expect communities of color to choose between greater public health protections and basic civil rights. We do not accept the premise that we must choose between the two, that these interests are mutually exclusive, or that this debate is zero-sum. A working group consisting of social justice advocates and law enforcement leaders, along with other organizations, is the best solution available to bridge the current divide.

We request to sit down with you to discuss our concerns. We greatly appreciate your attention to this matter and eagerly await your reply.

Respectfully,

Jared E. Brewster

Letter to Maryland Senate Finance Committee re Fla

Uploaded by: Briant, Thomas

Position: UNF

NATIONAL ASSOCIATION OF TOBACCO OUTLETS, INC.

January 26, 2021

To: Chairperson Delores Kelly and the Senate Finance Committee

From: Thomas Briant, NATO Executive Director

The National Association of Tobacco Outlets (NATO) is a national trade association that represents hundreds of retail store members across the State of Maryland. NATO and its Maryland member stores urge you to not support SB177, which would ban the sale of all flavored tobacco products, nor SB273, which would ban the sale of most flavored nicotine vapor products and remove them from convenience and other stores, allowing them to only be sold in vape-only stores. Our concerns are explained below:

- **Maryland Could Lose Hundreds of Millions in Cigarette/Tobacco Tax Revenue.** With the Maryland economy so negatively impacted from the COVID-19 pandemic, banning flavored tobacco and nicotine vapor products would substantially increase the shortfall in state excise tax and sales tax revenues by encouraging adult consumers to obtain products outside of Maryland to avoid the ban. According to the accompanying press release from the New England Convenience Store and Energy Marketers Association, the statewide flavored tobacco product ban enacted in Massachusetts has cost the state \$62 million in cigarette excise tax revenue alone during June-November of 2020. This \$62 million loss is far greater because it does not include lost excise tax revenue on other flavored tobacco products nor sales tax revenue losses on any products.
- **Economic Impact on Retailers Would Force Many Out of Business.** Several kinds of retailers sell tobacco, such as tobacco-only stores with virtually all their revenue from tobacco sales and convenience stores with approximately 36% of their revenue from tobacco sales. Flavored products are a significant part of this revenue. The loss of hundreds of flavored tobacco products would drive tobacco-only stores out of business and make the convenience store business model untenable likely causing many to close or lay off employees.
- **The State of Maryland Considers Convenience Stores “Essential.”** During the COVID-19 pandemic, convenience stores and gas stations are among those businesses deemed “essential” by all levels of government. Policies that would deprive them of the ability to sell hundreds of flavored tobacco and nicotine vapor products will put further financial pressure on these retailers. If these stores are forced to close, the state will lose these “essential” businesses that will not be there the next time an emergency arises.
- **Expansion of Cross Border and Internet Purchases and Illicit Market for Flavored Products:** With flavored products readily available on the Internet or in adjacent states, legal age adults will order products online or drive across the border to patronize retailers in a neighboring state. Flavor bans will exacerbate the illicit market in smuggled products where sellers are not licensed nor concerned with the law and will sell products to anyone of any age who has cash.
- **Allow FDA Electronic Nicotine Product Restrictions to Work.** In February of 2020, the FDA banned most flavored cartridge-based and pod-based electronic cigarettes. The agency took this action because these particular kinds of electronic cigarettes were appealing to underage youth. However, in the same action, the FDA permitted tobacco flavored and menthol flavored cartridge-based and pod-based electronic cigarettes to remain on the market because youth usage of these two flavors was the lowest versus all other flavors. In addition, the agency explained that menthol is unique since it is the only flavor available in cigarettes and menthol flavored electronic cigarettes may assist adults in transitioning away from smoking.



FOR IMMEDIATE RELEASE

January 5, 2021

Media contact:

Dave Wedge

617-799-0537

davidmwedge@gmail.com

MASSACHUSETTS HAS LOST NEARLY \$62 MILLION IN MENTHOL CIGARETTE TAX REVENUE THROUGH FIRST 6 MONTHS OF FLAVOR BAN

New Hampshire and Rhode Island continue to reap millions from failed Massachusetts ban

STOUGHTON, Mass. (January 5, 2021) – Excise tax losses from menthol cigarettes continued to mount at a rate of over \$10 million per month during the first 6 months of the state’s ban on flavored tobacco while New Hampshire and Rhode Island businesses and state coffers reaped the benefits of the Commonwealth’s ill-conceived and now failed policy.

“With every month that passes, the state’s ban on flavored tobacco becomes increasingly absurd,” said Jonathan Shaer, Executive Director of the New England Convenience Store & Energy Marketers Association. “All anyone needs to do is look at the excise tax stamp numbers from June through November to understand how ineffective and ridiculous this ban is. Rhode Island and New Hampshire have combined to sell 18.9 million more stamps than they did over the same period in 2019 while Massachusetts has sold 17.7 million fewer. Indisputably, menthol cigarettes are purchased in neighboring states and then brought back into Massachusetts for personal consumption or illicit market sales.”

Updated data for June – November 2020 vs. same period prior year. These figures are for cigarettes only and do not include other forms of flavored tobacco including smokeless, pipe or cigar.

- Massachusetts
 - Cigarettes excise tax stamp sales down 17,656,000 or 23.9%
 - Cigarette excise tax loss: \$61,972,560
 - Estimated loss including sales tax: \$73,008,000
- Rhode Island
 - Cigarettes excise tax stamp sales up 2,847,000 or 18.2%
 - Cigarette excise tax gain: \$12,100,000
 - Estimated gain including sales tax: \$14,066,740
- New Hampshire
 - Cigarettes excise tax stamp sales up 16,053,000 or 29.7%
 - Cigarette excise tax gain: \$28,574,340

Actual retail sales information from NECSEMA members during these 6 months reveal further distressing results:

- Non-flavored cigarette sales in Massachusetts have increased 15%, and non-flavored smokeless sales have increased 350% vs. the same period in 2019.
- Total cigarette sales in New Hampshire have increased 46%, menthol cigarette sales are up 90% and mint/wintergreen smokeless sales are up 105% vs. the same period in 2019
- Total cigarette sales in Rhode Island have increased 20%, menthol cigarette sales are up 29% and mint/wintergreen smokeless sales are up 59% vs. the same period in 2019.
- Total in-store sales in Massachusetts are down 10% while they are up 93% in New Hampshire and 15% in Rhode Island.

“I challenge anyone to demonstrate how this ban has been effective,” Shaer said. “New Hampshire and Rhode Island imports have replaced sales once made in Massachusetts by licensed retailers. In fact, the latest data shows an uptick in cigarette sales when you combine the increases for non-flavored cigarettes in Massachusetts with total cigarette sales gains in New Hampshire and Rhode Island. Massachusetts small businesses have lost, the Massachusetts budget has lost, public health has lost, and youth who this law was allegedly intended to protect have lost since prevention revenue has greatly diminished.”

NECSEMA opposed the flavored tobacco ban in 2019 when it was first presented, and continues to monitor sales data to demonstrate the failure of the law and the wrongful impact to its members. The association represents both chain and independent convenience store owners, including many in urban communities that are being disproportionately affected by this ban. According to the National Association of Convenience Stores (NACS), there are 3,360 convenience stores in Massachusetts with 54,000-plus employees accounting for \$17 billion in sales annually. With over 89% of legal cigarette sales occurring at convenience stores, this policy hits its industry particularly hard.

“The focus should have solely been to address youth access and use of flavored vape. Instead Massachusetts overstepped to include adult products and now stands alone as the only state with a comprehensive flavored tobacco ban,” Shaer said. “While any underage use of tobacco is concerning, a ban on what are clearly adult-preferred products isn’t appropriate.”

To speak with Jonathan Shaer, please contact Dave Wedge at davidmwedge@gmail.com or 617-799-0537.

Against Banning Menthol Smoking.pdf

Uploaded by: Carter, J.L.

Position: UNF



Bishop J. L. Carter

M. Div., D. Min.

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www.arkchurch.com • arkchurch@arkchurch.com

"Creating Committed Christians"

January 26, 2021

Senator Mary Washington
James Senate Office building
Room 102
11 Bladen Street
Annapolis, Maryland 21401

Maryland Senate Bill 177
Bill Title: Flavored Tobacco Products

Senator Mary Washington

I write this letter to my opposition against SB 177, prohibiting the lawful sale of flavored tobacco and menthol cigarettes.

If legislation is passed to ban menthol smoking, it will not be good for persons of color. I am 100% against smoking of any kind and especially smoking among teenagers. I feel strongly, another method for stopping persons from smoking, should be utilized such as; education, smoke cessation classes, a direct and intense marketing campaign for helping persons, to know the deadly and destructive consequences of smoking.

Forcing and legislating the behavior of adults has never worked since abortion, to the present and even before abortion. What adults chooses to do, is what they do. Providing comprehensive education strategies for young people and adults, will yield far better results than callous and insensitive banning legislation. We perish for a lack of knowledge.

If banning legislation prevails, persons of color will be impacted super negatively;

1. Banning will criminalized menthol cigarettes and will create an

underground black market, like never before. For many the black market will not be underground but open air distribution.

2. Arrests and incarcerations will skyrocket beyond most misdemeanor crimes. What occurred in New York with Eric Garner, could happen again and again in Maryland.

3. Those being arrested will find themselves with arrest records that could prevent future meaningful employment or terminate employment for those who are working.

4. Profiling persons of color would advance to a new level among some police persons. Given all the current complications and disputes we have with negative police encounters in African American communities, passing this legislation would give law enforcement agents another portal to frisk and stop, persons of color, if seen smoking. Menthol and non-menthol smoking is very difficult to determine by untrained persons.

Be clear, we are against smoking of any kind but banning is not the way to go. Let's consider redirecting the energy into educating, awareness and sound strategies that will help a person to understand why tobacco smoking is not good. We did it for AIDS/HIV and other harmful behavior in our community and we should consider this approach for this present generation of tobacco users. We perish for a lack of knowledge, awareness and not criminalization.



Bishop J.L. Carter

President, Minister's Conference of Baltimore and Vicinity

MD SB177.pdf

Uploaded by: Chan, Elena

Position: UNF

Elena Chan
Gaithersburg, MD 20878
January 26, 2021

Senate Bill 177

Hello,

I am writing in opposition to Senate Bill 177 to ban flavor on all tobacco products in the state of Maryland. A ban on flavored and menthol tobacco products will not only negatively impact the economy and businesses in Maryland but will also have negative effects on local communities.

Tobacco sales, and specifically menthol cigarette sales, make up more than 50% of sales for convenience store businesses. SB 177 would put business owners and their employees at risk, especially as they struggle to maintain operations throughout the pandemic.

This ban on flavored and menthol tobacco products also increases the likelihood of illicit sales, especially to minors. Voting in favor of SB 177 provides more opportunity for sales in an unregulated market as neighboring states are still able to sell these tobacco products at a much lower prices.

I urge you to carefully research those states throughout the country that have implemented a ban like SB 177 – while sales may seem to have decreased in the state itself, sales in neighboring states have increased.

Vote no on SB 177.

Thank you for your consideration.

Elena Chan

Testimony for SB 0177.docx.pdf

Uploaded by: Clay, Regina

Position: UNF



January 25, 2021

Maryland Senate Finance Committee
SB 0177

Unfavorable: Written Testimony

Dear Senate Finance Committee Members:

I am writing to address my concerns in reference to Senate Bill 0177: Business Regulation- Flavored Tobacco Products- Prohibition being considered which includes menthol cigarettes in the proposed ban on flavored tobacco products, which supposedly focuses on youth tobacco use (vaping) especially, but lumps menthol cigarettes into this array of regulations.

As Pastor of a congregation and a community leader, it is my moral duty to examine prospective laws to ensure they will serve the greater good for my congregation and the rest of the communities where they are enforced. As Martin Luther King, Jr. once said, "In the end, for laws to be obeyed, men must believe they are right."

I fully support Senator Mary Washington's efforts to reduce the use of tobacco, by our children, however, I am concerned that the proposed ban is currently written broadly and could impose unintentional consequences that disproportionately criminalize African American adults, other people of color, mentally ill and the homeless in my community.

The inclusion of menthol cigarettes in the proposed ban disproportionately criminalizes African Americans, other people of color, the poor and includes some obvious, but hopefully unintended consequences. Menthol cigarettes only make up 1/3 of the current market, **yet 80% of African Americans in the U.S. along with large numbers of people of color and the poor who smoke cigarettes, smoke menthol cigarettes.** Thus, the proposed ban of menthol cigarettes disproportionately punishes and stigmatizes African American smokers, other people of color and the poor. As a Pastor of a congregation that believes and practices healthy living and healthy lifestyles I am by no means condoning the use of cigarettes for Health concerns.

A menthol ban would also create increased interaction between law enforcement and members of our community. You must understand, my genuine concern as we continue to fight for police accountability when working with the African American community, other people of color and the poor, **if you don't ban all cigarettes you really shouldn't ban any.**

10451 Twin Rivers Rd, Ste. 103
Columbia, MD 21044
www.lifechangeame.com



With high profile cases such as Eric Gardner who died at the hands of an officer for selling a loose cigarette, it is imperative that we do not support laws that may increase police interaction. AGAIN, *I in no way support the use of tobacco*. I do however, ask you to carefully review the proposed ban so that it does not create more problems than it solves. We must educate our children and provide examples for them to follow. As a former smoker I know the burden of this habit and it was my family's prayers and support that enabled me to overcome this habit before it destroyed my health. Education is important to reduce tobacco use, but criminalizing it is also not healthy for the community.

Walking In Kingdom Destiny,

Regina M. Clay

Pastor Regina M. Clay
Life Change AME Church

StopBill177.pdf

Uploaded by: Cooper, Katrina

Position: UNF

Katrina Cooper

Frostburg, MD 21532

SB 177

Oppose Maryland Tobacco Flavor Ban

Dear Maryland Legislators,

I would like to submit my opposition to the proposed bill 177. Not only is it unfair to specifically target certain adult tobacco customers, it is a huge financial loss for so many people. More than 6,360 licensed Maryland businesses sell tobacco products to adults 21 and older. This bill is proposing taking away nearly 56% of the cigarette category, 60% of smokeless tobacco and 41% of cigars. Banning these products would jeopardize the jobs of store employees, store owners, sales reps and more.

It will also result in a significant loss in revenue for the State of Maryland. In a time when state governments are so strained already, why would you want to eliminate known income for the state?

And let's be clear, consumers of flavored tobacco products, including menthol, will more than likely simply travel to another state to make their purchases. I live in Allegany County, where residents can get to PA or WV in under 15 minutes. I will not quite smoking my Menthol cigarettes, I will simply go to WV and give them my taxed money.

This ban will also increase the risk of an expanding Black Market. We have seen it before and we know it causes costly problems for our communities. These law enforcement organizations don't need a new surge in criminal activity to deal with, the costs are too great already.

Is a flavor ban on all tobacco really what is best during the toughest year this state has ever faced?

Thank you for your time and please vote no to SB177.

Katrina Cooper

opposeSB177.pdf

Uploaded by: Dorsey, Joseph

Position: UNF

Joseph Dorsey

Woodbine, MD 21797

SB177

Hello,

I would like to submit my opposition to this proposed bill. Banning all flavored tobacco products, including menthol, will certainly lead to customers purchasing these products in either bordering states or worse, the black market.

More than 6,360 licensed Maryland businesses sell tobacco products to adults 21 and older. This bill is proposing taking away nearly 56% of the cigarette category, 60% of smokeless tobacco and 41% of cigars. Banning these products would jeopardize a lot these businesses and jobs, including my own. Is that what is best during the toughest year this state has ever faced?

There is no question that prohibiting large segments of your consumer products lead to an illegal market. We have seen it before and we know it causes costly problems for our communities. These law enforcement organizations don't need a new surge in criminal activity to deal with, the costs are too great already.

Thank you for your time and please vote no to SB177.

Joseph Dorsey

Stephanie Dorsey Testimony .pdf

Uploaded by: Dorsey, Stephanie

Position: UNF

Good (Morning/Afternoon/Evening).

My name is Stephanie Dorsey and I live at 121 Martz. Rd.in Sykesville.

I urge you to oppose Senate Bill 177 to ban all flavored tobacco products. This proposal is a bad idea because of the impact it will have on Maryland businesses. More than 6,400 licensed Maryland businesses sell tobacco products to adult 21 and older. A large part of these tobacco sales - ~\$641 million annually are comprised of ordinary flavored tobacco products that this proposal would ban outright. Thousands of Maryland jobs at legitimate businesses depend on these sales!

An adult flavor ban will expand an already thriving illegal market in Maryland, shifting even more sales from licensed businesses to the criminal networks that use tobacco smuggling for easy money.

I urge you to vote against this proposal. Thank you for your consideration.

Stephanie Dorsey

("It's an adult choice!")

Sen Mary Washington.pdf

Uploaded by: English Sr., Kevin D.

Position: UNF



January 26, 2021

Senator Mary Washington
James Senate Office building
Room 102
11 Bladen Street
Annapolis, Maryland 21401

Maryland Senate Bill 177
Bill Title: Flavored Tobacco Products

Senator Mary Washington,

I write this letter to my opposition against SB 177, prohibiting the lawful sale of flavored tobacco and menthol cigarettes.

If legislation is passed to ban menthol smoking, it will not be good for persons of color. I am 100% against smoking of any kind and especially smoking among teenagers. I feel strongly, another method for stopping persons from smoking, should be utilized such as education, smoke cessation classes, a direct and intense marketing campaign for helping persons, to know the deadly and destructive consequences of smoking.

Forcing and legislating the behavior of adults has never worked since abortion, to the present and even before abortion. What adults choose to do, is what they will do. Providing comprehensive education strategies for young people and adults, will yield far better results than callous and insensitive banning legislation. We perish for a lack of knowledge.

If banning legislation prevails, persons of color will be impacted super negatively:

1. Banning will criminalize menthol cigarettes and will create an underground black market, like never before. For many the black market will not be underground but open-air distribution.
2. Arrests and incarcerations will skyrocket beyond most misdemeanor crimes. What occurred in New York with Eric Garner, could happen again and again in Maryland.
3. Those being arrested will find themselves with arrest records that could prevent future meaningful employment or terminate employment for those who are working.



4. Profiling persons of color would advance to a new level among some police persons. Given all the current complications and disputes we have with negative police encounters in African American communities, passing this legislation would give law enforcement agents another portal to frisk and stop, persons of color, if seen smoking. Menthol and non-menthol smoking are very difficult to determine by untrained persons.

Be clear, we are against smoking of any kind but banning is not the way to go. Let us consider redirecting the energy into educating, awareness and sound strategies that will help a person to understand why tobacco smoking is not good. We did it for AIDS/HIV and other harmful behavior in our community and we should consider this approach for this present generation of tobacco users. We perish for a lack of knowledge, awareness and not criminalization.

In His service,

Kevin D. English Sr.

Pastor, Open Bible Church

NFranklin MD SB177 UNFAV.pdf

Uploaded by: Franklin, Neill

Position: UNF



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Detective Sergeant Neil Woods, Ret.
Derbyshire, England, LEAP UK

Date: January 28, 2021

Re: SBI77 - Business Regulation - Flavored Tobacco Products - Prohibition

Position: **OPPOSE**

To: Maryland Senate – Finance Committee

Distinguished Senators of Maryland,

Thank you for the opportunity to submit written testimony. I am representing myself and the Law Enforcement Action Partnership (LEAP), of which I am the past executive director and current board member. LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience to endorse evidence-based public safety policies. Our mission is to make communities safer by focusing law enforcement resources on the most serious priorities, promoting alternatives to arrest and incarceration, addressing the root causes of crime, and healing police-community relations. My colleagues and I at LEAP oppose SBI77 because it is an unscientific, reactionary policy that would have negative public safety outcomes.

I understand why you're considering this legislation. It comes from the same desire I had as a narcotics task force commander to stamp out the drug sales that were causing harm to my community. We are all on the side of public health and safety, but I can practically guarantee that SBI77 would take us further from our shared goals.

Having spent 34 years working drug cases for the Maryland State Police, Baltimore Police Department and the Maryland Transit Police Force, I've learned that drug bans (prohibitions) endanger the health and safety of communities even more than drugs themselves.

Banning menthol is not going to make the demand for menthol products go away. We know this because illegal drugs are used by people in every community in every state across this country. What does that say about prohibition? It says that when there is a high demand, an illegal market will fill the void if a legal, regulated market does not. Rather than reduce or eliminate

harmful activities, drug bans actually create crime that require police resources to enforce.

It is a well-known fact that over 80 percent of African Americans who smoke prefer menthol cigarettes. There is no factual basis to assert that a menthol cigarette ban will stop African Americans from smoking them. In fact, the unintended consequences of such a racially discriminatory ban will set the stage for more negative and counterproductive interactions between law enforcement and African Americans.

Law enforcement leaders like Law Enforcement Action Partnership (LEAP), National Organization of Black Law Enforcement Executives (NOBLE), National Latino Officers Association (NLOA), Grand Council of Guardians, and National Association of Black Law Enforcement Officers (NABLEO) have stated countless times that a ban on menthol cigarettes will have unintended negative consequences, especially for African Americans.

We know that you do not intend to criminalize the possession of menthol cigarettes, but when you prohibit legal sales, you instantly create a robust illicit market where children become the sought-after employees for the organized crime vendors (gangs, crews and cartels). Additionally, when the police are told to crack down on these violent competitive markets, they know how to squeeze information out of the using population by stopping and threatening to arrest them for minor violations, such as “J” Walking or Disorderly Conduct. “Tell us where you’re getting your cigs and I’ll let you go.” We all know the drill. We need less police action, not more.

Menthol bans are not neutral policies designed to reduce all types of smoking. If we truly believed that bans would stop smoking, we would outlaw all cigarettes. Instead, by going after menthol products, we only criminalize the selling of tobacco products favored by Black smokers, creating yet another reason for police to go into communities of color. We don’t need another Eric Garner, who was stopped by police while selling loose cigarettes illegally and died in police custody and we certainly don’t need another Freddie Gray. Please render an unfavorable report for SBI77.

Thank you for your time,

A handwritten signature in dark ink, appearing to read "Neill Franklin". The signature is fluid and cursive, with a large initial "N" and a stylized "F".

Major Neill Franklin (Ret.)

Bidurstatement.pdf

Uploaded by: Ghimire, Bidur

Position: UNF

January 26, 2021

Senator J.B. Jennings

My name is Bidur Ghimire-

As a business owner of 5 stores in Maryland and employ close to 25 people from our local communities. I was shocked and disappointed to hear about the proposed ban on menthol cigarettes, flavored cigars and smokeless products. Adults 21+ Should have the right to purchase products of their choice at their local convenience store. I ask that you please oppose S.B. 177.

Being a Proud Marylander, my business adds to the State's economy. I am licensed, pay my taxes, and provide services to thousands of Marylanders. Banning these products would impact my revenue, lead to potential layoffs of many of my employees, decrease the number of Marylanders that I service and could ultimately force my small businesses to close. Not only will I be impacted, so will the state of Maryland! By banning the sale of these products, will allow for revenue to go to boarding states. We cannot afford this to happen!

In closing, I urge you to partner with the small business owners of Maryland and oppose S.B. 177.

Regards,

Bidur Ghimire

Forrest Hill Exxon

Rockspring Shell

Macphial Exxon

Constant Friendship Exxon

Town center Sunoco

2021_MD_testimony_v5 cg.pdf

Uploaded by: Giblin, Charles

Position: UNF

RE: SB177 Testimony of Charles E. Giblin before Maryland State Senate Finance Committee

Madam Chair, members of the Senate Finance Committee, thank you for your time. My name is Charles E. Giblin. I am testifying at the request of Altria Client Services' registered lobbyist. The views I am sharing are entirely my own. Those views are based on a 45-year law enforcement career, 36 of which were directly involved in revenue law enforcement.

In 2019 I retired as the Special Agent in Charge of the NJ Treasury Department's Office of Criminal Investigation. I have not only made hundreds of arrests for tobacco and financial related crimes, but I have developed and promulgated programs, policies, and procedures, some of which have been adopted by other jurisdictions. I was awarded the Federation of Tax Administrators (FTA) lifetime achievement award as well as a national award from US Bureau of Alcohol Tobacco & Firearms for tobacco enforcement and have been called as an expert witness in federal and state courts across the country. I have also testified before various legislative bodies and government agencies; most recently the Massachusetts Illegal Tobacco Task Force.

As I provide testimony to you today, I am reminded of a very similar testimony I submitted to the Maryland State Senate Finance Committee in February of 2020. The only stark difference is we now have the experience from the Massachusetts Commonwealth's ban on flavored tobacco products to reference. If you have not previously seen the results from Massachusetts' flavor ban, I encourage you to consider the following information because they are not promising. In fact, they are outright disturbing from any reasonable point of view. In short, the Massachusetts law has created a new prohibition for an otherwise legal product. The evidence does not point to a great public health victory but rather illustrates that tobacco users, be it cigarettes or vaper, merely obtain their products in another jurisdiction. I have attached charts and tables to better illustrate these findings. Instead, it will just shift the market from legal and regulated businesses to illegal, unregulated smuggling networks. Lastly, February 2020 the nation was in a much different place, the current pandemic has placed extraordinary stress on our existing law enforcement ecosystem, they are indeed in a precarious situation, and unfortunately some within our society may indeed take this moment in time to accelerate unlawful activities that very well could benefit violent extremists, organized crime groups and criminals.

According to a recent study by the New England Convenience Store and Energy Marketers Association (NECSEMA), Massachusetts has lost \$62 million in the first six months of the ban in excise tax income from fewer menthol cigarettes sales alone. The estimated loss to Massachusetts including the sales tax is \$73,008,000. Massachusetts' loss became its neighboring states' gain. Cigarettes excise tax stamp sales dropped 23.9 percent in Massachusetts while New Hampshire gained \$28,574,340 or 29.7 percent. Rhode Island gained \$12,100,000 or 18.2 percent in excise taxes.

www.convenience.org/cmspages/getfile.aspx?guid=7ebc4fa9-f500-4127-b48d-4d88e3263e20

If this bill were to pass, cross border smuggling, both casual and organized, from neighboring states will dramatically increase. For Maryland, this migration from legal to illicit market will be amazingly easy and exacerbate the existing contraband situation in your State. Maryland is situated at the epicenter of cigarette smuggling activity in the United States - with the interstate i-95 corridor as the primary conduit. Currently millions of cigarette cartons and other tobacco products are smuggled annually from low tax states such as Virginia, through Maryland, to higher tax states including New York, New Jersey and points north. In addition, Maryland is ringed with hundreds of Virginia, Delaware, D.C., and Pennsylvania retailers who will become ready sources for smugglers bringing in illicit products without regard to tax, licensing, or age verification laws. Street sales will skyrocket and police will be saddled

Commented [SDM(1): add citation

with enforcing scenarios such as the sales of loose cigarettes on street corners. At a time when current calls to reform policing, enforcing pandemic rules and related behaviors have already spread law enforcement thin, you are placing law enforcement into another unwelcome set of circumstances, tasking them with policing black, Asian Indian, and Middle Eastern minority communities who represent the largest demographic of flavored tobacco users.

With the opportunity for high profit and low risk being present, contraband activities bring other and profoundly serious crimes with them. There are numerous criminal cases that have made the link between contraband tobacco smuggling and terrorism. Additionally, cigarette smugglers often engage in other, more heinous crimes, such as: racketeering, extortion, attempted murder, narcotics, gun smuggling, and ID theft. And, without a doubt, with every contraband case comes general tax evasion from Maryland's treasury. <https://www.insidernj.com/press-release/21-people-indicted-15-million-tax-fraud-scheme-forged-millions-tax-stamps-cigarettes-north-carolina/>

Commented [SDM(2)]: add a citation - news story, court case, etc.

This increased criminal activity will bring increased demands on law enforcement personnel. But at the same time, because it moves these products out of the tax-paying distribution channel, Maryland will see an incredibly significant reduction in tax revenues, and thus less funding to pay for increased policing and other programs. This outcome is no longer a theory as we just need to look to New England to see the impact of the Massachusetts flavored tobacco ban. <https://amp.milforddailynews.com/amp/42433831>

Establishing the additional capabilities necessary to enforce the newly banned tobacco products will bring a host of hidden costs to enforcement agencies. These costs will include: 1) the exponentially increasing number of criminal investigations for Comptrollers Agents; 2) The need for field examination protocols to establish probable cause allowing this new contraband to be seized as evidence and be admissible in court; 3) The development and implementation of required, additional policies and procedures for forensic laboratory examination to determine if a product is admissible as evidence will undoubtedly burden labs tasked with that responsibility; and also 4) Just like Massachusetts, the need for additional evidence storage and the personnel to administer the increase of evidence will be needed. https://www.newburyportnews.com/news/regional_news/lack-of-storage-curtails-illegal-tobacco-seizures/article_f4c20d36-8059-54b4-b37c-5c3551f9b6a7.html

Maryland can also expect counterfeiting of every type and brand of tobacco related products to occur leading up to and in the wake of legislation of this kind. Counterfeit vape devices and liquids have been seized in large volumes by US Customs and Border Protection Officials at US ports with increasing frequency. Some identified as destined to Maryland! <https://www.cbp.gov/newsroom/local-media-release/philadelphia-pittsburgh-cbp-officers-seize-nearly-half-million-dollars> These purchases are simply accomplished via the internet, and other investigations have shown bad actors place orders in container-size quantities! Major joint State and Federal cases have identified the deep involvement of organized crime groups and networks. <https://www.fbi.gov/news/stories/operation-smoking-dragon>

Commented [SDM(3)]: add citation - news story

Additionally, our research has identified providers of flavoring and flavored tobacco available on the internet which can be used to create vape and cigarette products nearly identical to what is being banned. These providers, like the Canadian First Native cigarette manufacturers, readily advertise the sale of menthol and flavored tobacco on their websites. <https://reason.org/commentary/study-finds-menthol-ban-failed-to-reduce-youth-smoking-in-canada/> <https://www.eliquidstop.com/a/s/products/puff-plus-pre-filled-disposable-device>

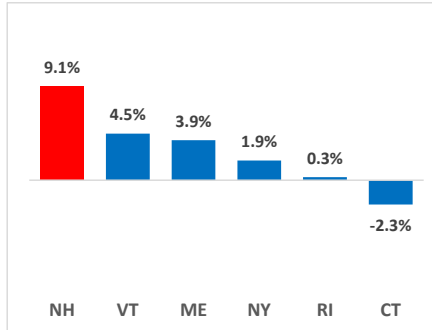
In closing, I applaud your efforts to help reduce the level of youth tobacco and vaping product usage. However, criminalizing these products in an attempt to regulate them for adults has enormous implications requiring a much deeper discussion, particularly with law enforcement at the table. Thank you for your time and I am happy to answer any questions you may have.

SMUGGLING OF NON-MENTHOL CIGARETTES

If criminals are now smuggling menthol cigarettes, why not make a profit on **all** cigarettes due to the tax differential?

- New Hampshire **Non-Menthol** cigarette volume increased by **9.1%** in the six months following the Massachusetts state flavor ban – well above the national trend.¹
- The New Hampshire state cigarette excise tax is \$1.73 per-pack less than in Massachusetts, equating to at least a \$17.30 profit for every carton illegally re-sold in Massachusetts.
- Assuming all of the 3.7 million packs of cigarettes were smuggled into Massachusetts and then resold, this represents nearly **\$13 million** in illegal profits.

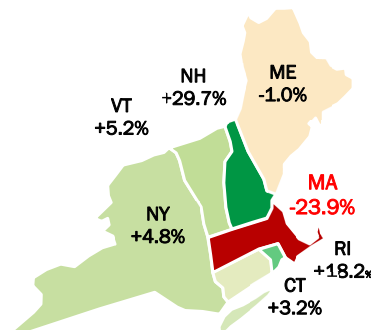
Non-Menthol Cigarette Sales Volume Change
(Six months after MA state flavor ban vs. same period one-year ago)



The question for law enforcement executives is where did the nearly \$13 million in illegal profits go?

State Cigarette Excise Tax Revenue		
State	Revenue Change	Percent Change
Massachusetts (Jun – Nov)	(\$61,972,560)	-23.9%
New Hampshire (Jun – Nov)	+\$28,574,340	+29.7%
Rhode Island (Jun – Nov)	+\$12,100,000	+18.2%
Vermont (Jun – Oct)	+\$1,367,520	+5.2%
New York (Jun – Sep)	+\$16,234,200	+4.8%
Connecticut (Jun – Aug)	+\$2,801,400	+3.2%

Total Tax Paid Sales Change
(June-to-Date Tax Paid Sales Change Versus Same Months Last Year)



¹ ALCS Internal Store Tracking Analytical Reporting System (STARS), week ending 12/27/19.

Oppose to Menthol and Flavor Ban.pdf

Uploaded by: Gillani, Zak

Position: UNF

Dated: 23 January 2021

Written testimony to oppose Menthol and Flavor Ban Bill (SB 177)

I, Zak Gillani writing this testimony to ensure all statements in this testimony are true. I own 6 stores in Maryland, which sell menthol cigarettes, flavored cigars, and flavored chewing tobacco. If this ban goes in effect, we will lose 75% of sales adding up to those categories. These sales sum up to 3.3 Million in revenue each year in these 6 stores.

I employ 23 people in these stores. If I lose sales revenue it would force me to lay off employees who are solely dependent on their job, the amount of stress and financial troubles these employees will suffer is beyond explaining.

Not to mention, we will not only lose customers buying the tobacco products but also revenue from customers who stops to buy tobacco with gas and food items and consider our store a one stop shop.

Loss in revenue means loss in profit which would trouble me and my family financially and can force me to shut down businesses.

Ban of any product in one state means gain of business in another state. Just because there is a ban it would not make people stop using the product but drive them to neighboring states to purchase the same product causing local Maryland retailers to lose money.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zak Gillani', with a stylized, cursive script.

ZAK GILLANI

OWNER

SB177 Candice Gott Testimony.pdf

Uploaded by: Gott, Candice

Position: UNF

Opposition to SB177

My name is Candice Gott, I am a small business owner in Charles, Anne Arundel, Calvert and St. Mary's counties. I am a member of the Maryland Vapor Alliance and consider myself an upstanding citizen to my community.

I am also a former cigarette smoker. At the ripe young age of 15 I became addicted to cigarettes. I did not care what flavor or type of cigarette I was using. I did it because my friends were doing it and I wanted to look cool and rebellious. That old statement "beggars cannot be choosers" applies as much today as it did when I was a teenager. Simply put, if you take flavors away from responsible adults to stop teens from experimenting, teens will continue to experiment with what is available to them.

Speaking of, the products teens tend to get their hands on are big tobacco products such as Juul and Vuse per the CDC. These products are sold in convenience stores and have a level of 5% nicotine. The typical nicotine content sold in a vape shop is 0.3% (less than a percent!). Flavors are NOT the problem. The really bad news is that if flavors are banned, vape shops would cease to exist. This means the only remaining products would be the high nicotine big tobacco products sold at convenience stores. There would be no option for lowering your nicotine content over time. Adults using a 0.3% nicotine would be forced to use 5% nicotine if they wanted to continue to vape. This would send some back to cigarettes, but many more to the black market or a different state to buy flavored products from a vape shop.

Last year T21 and a ban on flavored pods went into effect. As youth use has significantly declined, I have to wonder why we are still trying to punish adults who use this method to sustain from cigarettes. When an adult is trying to quit smoking, the last thing they want is a tobacco flavor (yes tobacco is a flavor!) because it is exactly what they are trying to move away from. Tobacco flavors are a constant reminder it is much easier to stop by a C-store and grab a pack of smokes. This type of legislation literally conditions people to tobacco. Why would we want to condition ANYONE to a tobacco flavor? We should not be normalizing tobacco.

After smoking for 15 years and trying every approved cessation product to quit, I finally stopped by a vape shop. I used green apple to quit and I have not had a cigarette since the day I found my flavor.

I knew if I could quit smoking cigarettes using this method, that anyone could. It's the reason I used every penny I had to open my vape shop. After almost 7 years of business I have no doubt that I have helped thousands quit combustible cigarettes because of flavored e-liquids. Long before big tobacco stomped into our industry and made a very large mess, I was helping adults quit combustible cigarettes with flavored e-liquids.

The saddest part of this legislation is it punishes the good actors. Maryland vape shops continue to show they consistently pass compliance checks and do not sell to underage people.

Per an article published in BMC's harm reduction journal, a study was conducted on 22,411 adults and the findings were that access to a variety of non-tobacco flavored e-liquid is the incentive in assisting adults to use e-cigarettes in place of traditional cigarettes. Restricting the availability of flavors will cause adults to go back to smoking or resort to looking for items on a black market.

There are more and more studies coming out every day that shows vaping is less harmful than traditional cigarettes and that flavors are the driving incentive to kick the habit.

I'd like to reiterate again on the black market there will be no quality control, ID Checks, or collected taxes.

I'm urging the Maryland lawmakers to work with responsible vape shop owners and the Maryland Vapor Alliance. If you pass this bill, Maryland will be looking for ways to back-pedal and undo insurmountable damage in the coming years, much similar to how marijuana and alcohol prohibition has played out. Not only will this legislation not solve the problem, it will close many small businesses in a climate where many people are already struggling due to the pandemic. This legislation will put many out of a job, and cause a large black market (as seen in other states with similar laws).

My business is my livelihood and it helps people. I have nothing to hide. Please visit my vape shop or use me as a resource for questions. We want to work with advocates and lawmakers to understand our industry and help pass fair and sensible regulations/laws.

Very respectfully,

Candice Gott
(443) 926-2660
63 E Chesapeake Beach Rd.
Owings, MD 20736

SB177 Charles Gott Testimony.pdf

Uploaded by: Gott, Candice

Position: UNF

January 26, 2021

Opposition of SB177

Dear Senate Finance Committee Members,

My name is Charles Gott and I am the owner of Vape Jungle, which consists of 4 small business vape shops in the Maryland community. I am writing to oppose the flavor prohibition (SB177). I provide 15 jobs to employees who have families to support. This small business I have cultivated with my life savings and an immense amount of time, is also how I support my own family.

I smoked cigarettes for a very long time. So long in fact, I never thought I'd actually quit. Since there were so many failed attempts at other "approved" cessation products, I figured all hope was lost and that I would spend the rest of my life addicted to cigarettes. A friend of mine let me try her vape one night at a party. The next day I went into a vape shop and got my first set up. I have now been tobacco free for 7 and a half years. I no longer wheeze, I sleep much better, and I no longer have a nasty smoker's cough. I used coffee flavor to quit, and there is no way I would ever go back to smoking or using a tobacco flavored product. Tobacco is the flavor I wanted to move away from and I'm so glad that I did.

My success in quitting smoking through vaping led me to open my own business. I knew if I could quit smoking using this method, than anyone could. I have helped thousands of people quit smoking in my community. This includes veterans and the elderly. In my experience of owning and operating vape shops, I have seen countless people relapse back to cigarettes when using a tobacco flavor. Tobacco flavor is what adults are seeking to move away from. Most find success in using a flavor they enjoy. This flavor typically varies from adult to adult, but is the driving force that keeps them vaping and not picking up a cigarette.

I want Maryland legislators to understand that we are not big tobacco. We do not carry any big tobacco products or products that big tobacco has a stake in such as Juul. Juul is what the teens are experimenting with and for this very reason we have avoided selling this and similar products in our locations, as have other Maryland vape shops. I also take pride in the fact that my business has passed multiple compliance checks. We are doing our part to keep the products we sell away from teens. So much in fact, that we do not allow anyone under 21 years of age in our stores. We ID at the door, and turn away customers we believe to be making a straw purchase.

Cigarettes kill close to 500,000 people each year. Yet nicotine flavored vapes have killed no one. I would still be smoking cigarettes right now if it wasn't for COFFEE flavored e-liquid. Coffee! A flavor most adults in enjoy, sometimes with vanilla, sometimes with caramel! If you ban flavored vape products you will send a lot of adults back to cigarettes or worse, the black market. E-liquid can easily be made with items found from Walmart or ordered online. These products would have no quality control, many would use the wrong ingredients, and this could go so wrong and be very dangerous. In addition to the above, Maryland is not a very big state. People will travel outside of the state to buy these products and bring them back to sell underground. This bill does not solve the problem, and takes useful tax revenue away additionally.

WE ARE NOT BIG TOBACCO. We are small business in the community that employs other people in the community. We help people quit combustible cigarettes, we offer low nicotine options to help people

ween off of vaping as well. We've operated a business for 7 years and watched in horror as big tobacco (Juul, Vuse, etc.) came into our industry and made it into a complete circus.

I am asking you, PLEASE, do not shut down my small business. Please do not take away jobs from our community. Please allow me to continue to help adults transition from combustible cigarettes to a products that has been proven to be a least 95% less harmful.

I have nothing to hide. I am always available for a shop visit or questions. Myself (as I'm sure all Maryland vape shops) want to act as a resource to help our legislators understand the other side of the coin.

Kind regards,

Charles Gott

(240) 478-7651

63 E .Chesapeake Beach Rd.

Owings MD 20736

David_Hancox_Maryland_Flavor_Ban_Testimony.pdf

Uploaded by: Hancox, David

Position: UNF

Maryland Flavored Tobacco Ban:
Unnecessary, Costly, and Dangerous to Public Health

David R. Hancox, CIA, CGFM (Ret.)

I. Introduction

My name is David Hancox, and I am the former Director of State Audits in the Office of the New York State Comptroller. I also was Director of State Expenditures in that Office. In total, I had 37 years of service with the State of New York. I am a retired Certified Internal Auditor and Certified Government Financial Manager. I've also written and taught extensively on a wide array of issues focused on government performance auditing, which relates to an assessment of planning, implementing, and managing government programs and policies, such as that before you now.

At the outset, a few points are in order. First, R. J. Reynolds Tobacco Company has compensated me for my time in preparing these comments, but second, the opinions expressed are my own. Third, I am not a user of tobacco products, I am not an advocate for using tobacco, and I believe smokers of traditional cigarettes should quit. That said, I would expect that my analytic approach is similar to what your Legislative Auditor, Mr. Gregory Hook, and his staff might do in preparing for a performance audit on the implementation of the proposed legislation before you now.

An outright ban on the sale of all flavored tobacco products will be detrimental to your State and its residents. The fiscal impact on the State budget in a time of unprecedented financial crisis is obvious. But such a ban also severely limits the ability of your State's residents to access tobacco products determined by the FDA to protect public health. And, along with its predictable, harmful consequences arising from a ban on commonly used products, a flavored tobacco ban simply will not decrease smoking rates in Maryland.

The proposed flavor ban will:

- *Limit Marylanders' access to tobacco and nicotine products that the FDA has determined will further public health interests.*
- *Cost the State millions of dollars in tax revenue*, much of which will flow to your neighboring states.
- *Create job loss, lost wages, and damage small businesses across the State.*
- *Fuel the State's illicit tobacco and vaping markets*, allowing criminal and even terrorist organizations to fill demand created when these otherwise legal products are outlawed in Maryland.

The proposed ban's hypothetical benefits do not outweigh the adverse consequences.

This legislation puts the public at risk from a variety of consequences caused by bans and prohibitions.

II. The Proposed Ban Limits Access to Products Determined by the FDA to Protect Public Health

An all-out ban on flavored tobacco products blindly forecloses Marylanders' access to tobacco products determined by the FDA to be "appropriate for the protection of public health."

¹ Of the eight original tobacco products approved by the FDA for marketing as modified-risk


¹ <https://www.fda.gov/tobacco-products/market-and-distribute-tobacco-product/tobacco-product-marketing-orders>

tobacco products (“MRTP”), fully half are *flavored* (either mint or wintergreen) products.²

Along with modified-risk designation, the agency is currently assessing thousands of pre-market tobacco applications (“PMTA”) for “new” tobacco products,³ including e-cigarette and other vapor products, many of which are flavored tobacco products. The MRTP and PMTA processes reflect the FDA’s recognition that true, effective tobacco harm reduction requires making available tobacco products that are less risky to current tobacco users than traditional combustible cigarettes.⁴

FDA’s Regulatory Framework Acknowledges the Continuum of Risk

Tobacco harm reduction hinges on the availability of less risky products for smokers



Mitch Zeller
Director,
FDA Center for
Tobacco Products

“The Food and Drug Administration (FDA) is shaping its comprehensive tobacco regulation plan [. . .] based on this recognition that nicotine makes tobacco products addictive—but that nicotine does not directly cause smokers’ cancer, lung disease, and heart disease.”

“To truly protect the public, the FDA’s approach must take into account the continuum of risk for nicotine-containing products.”

“FDA will pursue a regulatory framework that focuses on nicotine and supports innovation to promote harm reduction. This framework will recognize that the core problem of nicotine lies not in the drug itself but in the risk associated with the delivery mechanism.”

<https://www.fda.gov/tobacco-products/about-center-tobacco-products-ctp/mitch-zeller>

An MRTP application must demonstrate to federal regulators that a specific product (not a class of products, such as “smokeless tobacco” or “e-cigarettes”) “will or is expected to benefit the health of the population as a whole.”⁵ And the PMTA process ensures that only those new

² <https://www.fda.gov/tobacco-products/advertising-and-promotion/modified-risk-tobacco-products>

³ <https://www.fda.gov/tobacco-products/market-and-distribute-tobacco-product/tobacco-product-marketing-orders>

⁴ <https://www.fda.gov/tobacco-products/about-center-tobacco-products-ctp/mitch-zeller>

⁵ <https://www.fda.gov/tobacco-products/advertising-and-promotion/modified-risk-tobacco-products>

and innovative tobacco-based products that are “appropriate for the protection of the public health” can be sold.⁶ In considering either an MRTP or PMTA, the FDA determines the risks and benefits of the product to the population as a whole, *including both users and non-users of tobacco products*.⁷ This includes an assessment not only of whether current tobacco users will be more likely to switch to the new product, but also whether the new product might entice non-tobacco users to begin using tobacco products (with the goal to ensure they will not).

In fact, retailers in your State currently sell several flavored tobacco products approved by the FDA for marketing as modified-risk tobacco products that would be removed from their shelves upon enactment of the proposed ban. In October 2019, the FDA granted Swedish Match USA, Inc., the very first MRTP approvals for eight of its snus products – fully half of them *flavored* snus products. These eight products became the first authorized by the FDA for marketing to consumers as tobacco products that present less risk than both traditional combustible cigarettes and traditional chewed or smokeless tobacco.⁸

Alongside the MRTP process, the PMTA process is an effective, responsible way for tobacco product manufacturers to market innovative tobacco-based products that align with public health priorities. Incongruously, the proposed flavor ban would deny Maryland’s current smokers the opportunity to purchase and even to switch to these products. Just as the FDA already has granted MRTP marketing status to some more traditional tobacco products, the likelihood is high that the agency will approve some of these innovative products for the same

⁶ <https://www.fda.gov/tobacco-products/market-and-distribute-tobacco-product/tobacco-product-marketing-orders>

⁷ *Id.*

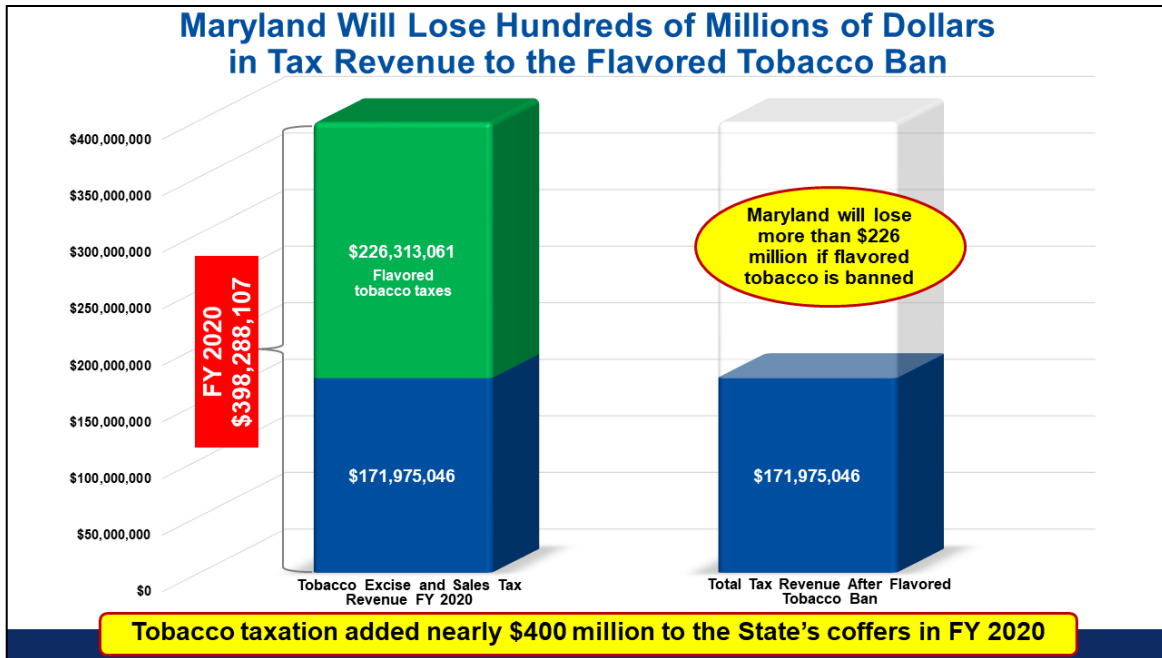
⁸ <https://www.fda.gov/news-events/press-announcements/fda-grants-first-ever-modified-risk-orders-eight-smokeless-tobacco-products>

reason. Why would Maryland want to limit its residents' ability to purchase and use those products?

Without an exception for MRTP-approved and PMTA-approved products, the proposed flavor ban will halt in your State the marketing and sale of products determined to benefit public health. The result will be to make it difficult, if not impossible, to market and even to introduce these products to Marylanders who use traditional tobacco products today. Denying your State's adult tobacco product users the benefits of the FDA's consideration of the science on tobacco harm reduction simply is not in their best interests. This may be the most significant negative of the proposed ban on flavored tobacco products.

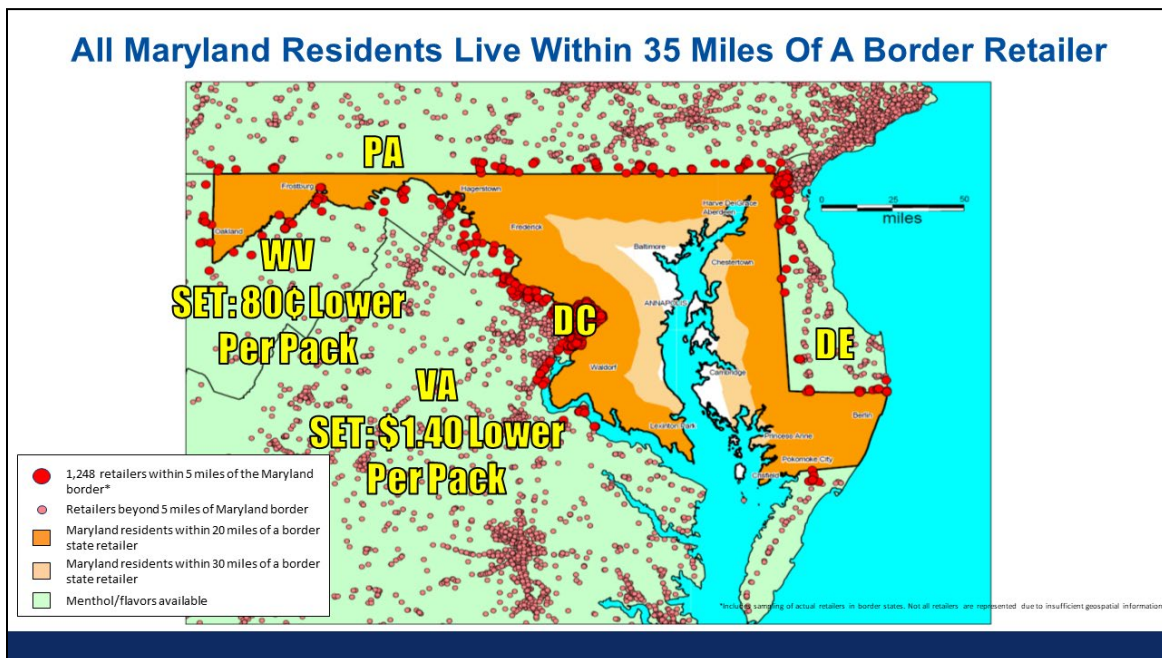
III. The Proposed Ban Will Cost the State Millions of Dollars

With flavored tobacco accounting for 57 percent of tobacco sales in Maryland, the proposed ban will result in a loss of more than \$226 million in tobacco excise and sales taxes annually. And the evidence is strong that that loss in revenue will not be accompanied by a decrease in tobacco use. An expectation that flavored tobacco users will switch to non-flavored products or quit using these products altogether is unreasonable and not supported by data from other jurisdictions that have implemented similar bans.

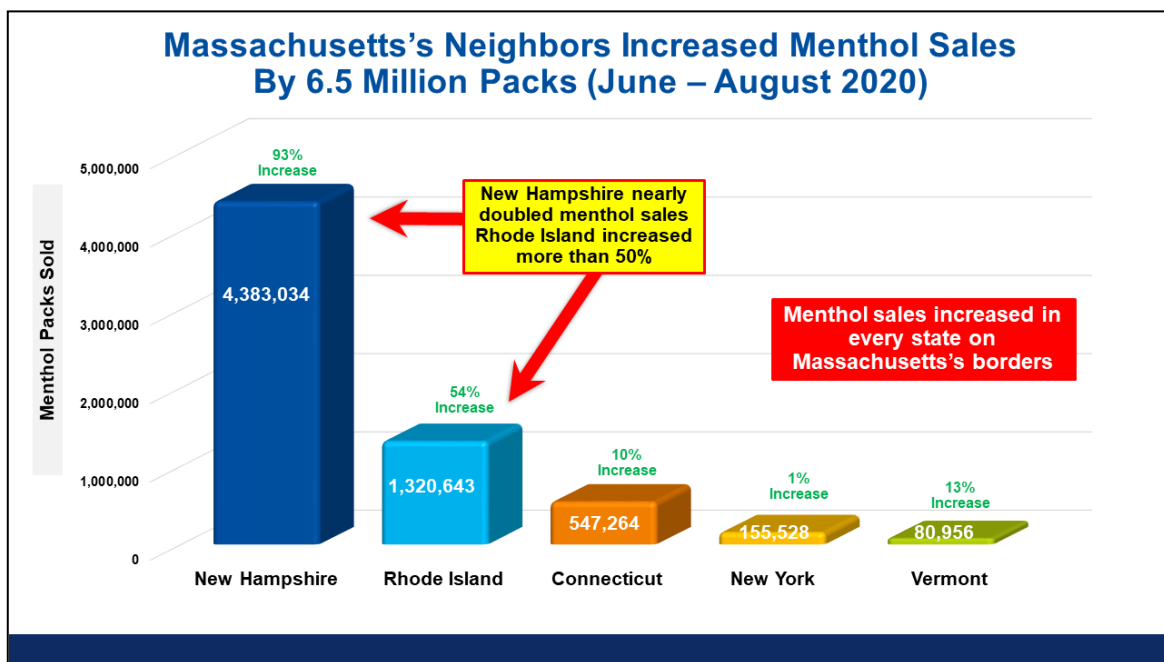


(a) A Flavored Tobacco Ban Will Force Sales to Neighboring States

No Maryland resident lives farther than thirty-five miles from a retailer that will continue to offer flavored tobacco products for sale should your State ban them. Current users of these products simply will cross those state lines to purchase the flavored products they prefer.



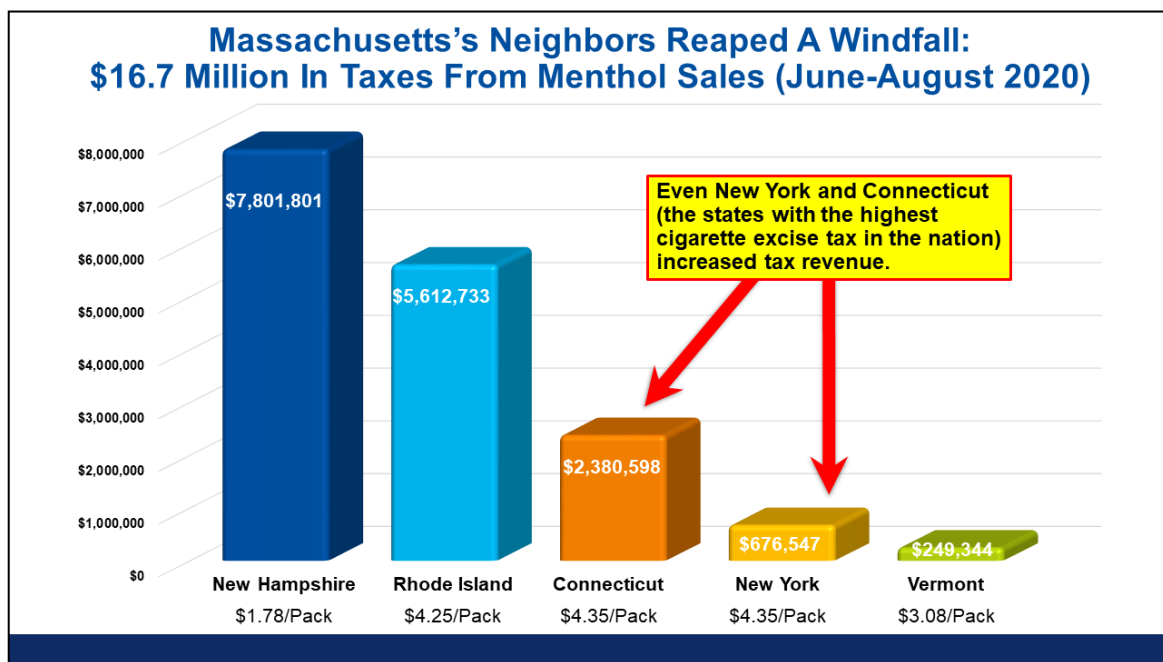
Massachusetts became the first state to ban flavored tobacco products statewide in 2020. Data collected over just the first three months of that ban revealed that menthol cigarette sales in Massachusetts's neighboring states consumed roughly 70 percent of the lost Massachusetts market, while the remaining 30 percent menthol cigarette sales converted to in-state, non-flavored sales. Massachusetts retailers lost out on the sales of nearly 10 million packs of menthol cigarettes from June to August of 2020, while sales of menthol cigarettes in its neighboring states increased more than 20 percent – by about 6.5 million packs total.



The graph above illustrates the most striking example. In New Hampshire (Massachusetts's neighboring state with the lowest cigarette excise tax), sales of menthol cigarettes nearly doubled over sales in the same period in 2019. In fact, sales of menthol cigarettes increased in *every* state on Massachusetts's borders – even those with significantly higher excise taxes on cigarettes, such as New York and Connecticut.

(b) Neighboring States Will Reap a Tax Revenue Windfall

As Maryland's coffers shrink as a result of the ban, your neighbors will benefit. Again, Massachusetts presents a cautionary tale. That state lost more than \$25 million in sales and excise tax revenue on menthol cigarette sales alone in less than three months after enactment of the ban. In the same period, Massachusetts's neighbors generated \$16.7 million in increased taxes on the sale of these product. In fact, at a November 2020 meeting of a New Hampshire legislative committee it was reported that that state's tobacco tax revenues were 22.2% ahead of the prior year. It was not lost on New Hampshire's legislators that the increase was largely driven by Massachusetts's flavor ban.⁹



It is reasonably foreseeable that a ban in Maryland that is even more restrictive (Massachusetts still permits the sale of flavored tobacco and vape products for use at adults-only

⁹ [http://www.gencourt.state.nh.us/LBA/Revenues/FY20-21/November 2020/DRA FY21 Revenue Estimate HWM 11 17 20.pdf](http://www.gencourt.state.nh.us/LBA/Revenues/FY20-21/November%2020/DRA%20FY21%20Revenue%20Estimate%20HWM%2011%2017%2020.pdf), at p. 5.

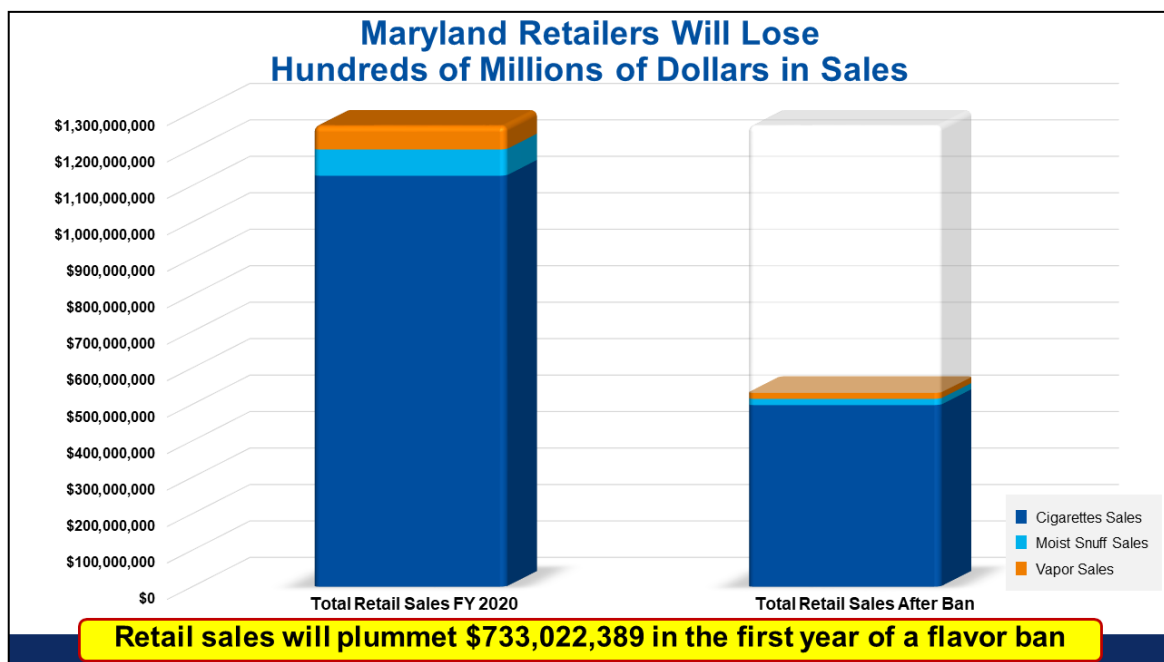
smoke shops) will exact a significant toll on the State's finances in an already historically tragic economic time. Maryland stands to lose nearly *\$19 million monthly* in sales and excise taxes on flavored tobacco products. Such a financial hit could devastate State programs and resident support, including educational reform, programs to combat domestic violence and protect its victims, and even smoking cessation. As a result of the economic devastation wrought by CoViD-19, Maryland ended fiscal year 2020 with a \$925 million reduction in tax revenue, and it is estimated that those revenues may be down as much as *\$2 billion* for the current fiscal year.¹⁰ The loss of tax revenue resulting from a ban on flavored tobacco products without objective evidence that the proposed ban will achieve its stated goals is not worth the economic hardship the State will face.

IV. The Proposed Ban Will Create Job Loss, Lost Wages, and Damage Small Business

Not only will a ban on all flavored tobacco products negatively impact your State's budget, it also will create job losses, lost wages, and damage small businesses across Maryland.

¹⁰ <https://www.npr.org/2020/08/03/895379435/maryland-says-it-needs-more-federal-aid-to-survive-economic-effects-of-covid-19>

Tobacco retail sales in the State, which occur primarily in convenience stores, are over \$1.26 billion annually and more than 57 percent of those sales are flavored tobacco products. A ban on sales of flavored tobacco products will cost retailers in your State more than \$733 million. Additionally, tobacco product sales also drive significant purchases of other goods. Data presented at the 2013 annual meeting of the Tobacco Tax Section of the Federation of Tax Administrators suggest that for every \$8 spent on cigarettes, purchasers spent nearly \$7 on non-tobacco products¹¹ – a nearly doubling of purchase dollars.



Maryland's tobacco sales support nearly 6,300 tobacco retailer, wholesaler, and supplier jobs, with wages and compensation of nearly \$300 million annually, according to Orzechowski and Walker.¹² They further estimate that retailers may lose \$130 million in gross profits to the proposed ban and that more than 3,000 jobs with a payroll of \$142 million may be at risk. In

¹¹ Presentation by Don Burke, Senior Vice President, Management Science Associates, Inc., at the Federation of Tax Administrators' Annual Meeting (Tobacco Tax Section), Albuquerque, New Mexico, Aug. 13, 2013.

¹² Orzechowski & Walker, The Economic Impact of the Proposed Ban on Menthol Cigarettes and Flavored Tobacco Products in Maryland, at p. 1.

fact, adding sundry product sale losses, every convenience store in the state has nearly \$70,000 in gross profits at stake.¹³

What is certain is that the economic impact on Marylanders will be swift and negative, as it was in Massachusetts. The New England Convenience Store and Energy Marketers Association reported in early January 2021 that convenience store sales as a whole were down 10 percent in Massachusetts and up more than 90 percent in New Hampshire over the first six months of Massachusetts's flavor ban.¹⁴ Similarly, every convenience store in Maryland stands to lose tens of thousands of dollars in gross profits to a flavored tobacco ban costing job jobs, lost wages, and even, in the worst-case scenario, a complete shuttering of small businesses.

V. The Proposed Ban Will Fuel Black Market Sales

While Maryland has a low cigarette smuggling rate today,¹⁵ a ban on products comprising nearly 60 percent of the total market opens the door wide to an already well-established illicit tobacco trade running straight through the State. State law enforcement is already tracking criminals smuggling cigarettes and other tobacco products: from 2015-2107 Maryland law enforcement seized nearly half a million cigarette packs and nearly 400,000 packages of other tobacco products.¹⁶ And in 2018, two Ocean City men were charged with

¹³ *Id.* at 5.

¹⁴ NECSEMA press release, 1/5/21.

¹⁵ <https://www.mackinac.org/smokes>: About 9 percent of cigarettes consumed in Maryland are smuggled into the State, avoiding Maryland excise and sales taxes.

¹⁶ Comptroller of Maryland, Field Enforcement Division, "Enforcement Efforts, FY2017." <https://www.marylandtaxes.gov/divisions/fed/index.php>

running a cigarette smuggling that was estimated to have brought 1.25 million packs of cigarettes into New York State.¹⁷

Furthermore, increasing illicit sales of banned tobacco products means increased

The collage features a central map of the Northeastern United States highlighting Interstate 95, with cities from Bangor to Miami marked. Surrounding the map are several news snippets:

- Adverse Impacts of a Menthol Cigarette Ban**
Illicit Trade – Numerous Illicit Trade Schemes
- Bad smokes: Pair admit to roles in Staten Island cigarette-trafficking ring**
Updated Mar 23, 1:44 PM; Posted Mar 23, 1:43 PM. Includes photos of Iyas Leqanya and Hub Jaber.
- Authorities bust \$12M cigarette smuggling operation based in Fayetteville**
Posted July 22, 2019. Includes a photo of cigarette packs.
- Bust on I-95 leads to seizure of \$238,000 worth of cigarettes**
Posted: 2:04 PM, Sep 08, 2015. Updated: 2:09 PM, Sep 08, 2015. Includes a photo of cigarette boxes.
- Chance of large profits lures some through Md. for cigarette smuggling**
Posted: 10:49 PM, Jan 26, 2017. Updated: 7:30 AM, Jan 27, 2017. FOR IMMEDIATE RELEASE. Staten Island Businessman Operating in Bucks County Convicted of Tobacco Smuggling.
- Untaxed cigarettes seized in Troy**
News 6/10 (Dec. 6, 2019) | Updated: Dec. 6, 2019 5:07 p.m.
- Virginia cigarette smuggler fined \$20K**
By Dan Arnes | daniel@hannaford.com | Jan 10, 2020. Includes a "COURT NEWS" logo.
- 12 Investigates: Cigarette smuggling**
By Rachel DePue and Shawn MacKenzie | July 11, 2012 at 10:04 PM EDT. Updated June 27 at 6:20 PM. Includes a photo of cigarette packs.
- Muhammad Abdelkader Aloush Charged After Investigators Seize More Than \$2,000 in Untaxed Tobacco Products From His Smoke Shop**
Includes a photo of Muhammad Abdelkader Aloush.

opportunity for interactions with law enforcement. This issue is particularly acute in the African-American community, as studies show nearly 85 percent of adult, African-American smokers prefer menthol cigarettes.¹⁸ Banning the sale of nearly two-thirds of this State's cigarette market only boosts the existing illicit cigarette market without objective evidence of a material public health benefit.

And vaping products are not immune from black marketeers, either. As you know, in 2019, the country was confronted with a large number of persons who died or experienced severe illnesses associated with vaping illicit THC products, primarily products adulterated with

¹⁷ U.S. Immigration and Customs Enforcement, "Maryland Brothers Accused of Operating inter-state cigarette trafficking ring," News Release, 18 October 2018.

¹⁸ 2018 National Household Survey on Drug Use and Health, SAMHSA (based on 18+).

Vitamin E acetate.¹⁹ That crisis demonstrated that for illegal vaping products there was already a robust market. The black markets for cigarettes and for illegal, unregulated, and dangerous vaping products are already thriving. A prohibition on the sale of these otherwise legal and regulated products will undoubtedly add fuel to these markets' dangerous fire.

VI. Conclusion

History has taught that consumers resent and ultimately circumvent laws and regulations that restrict their ability to access goods they are accustomed to legally purchasing and using, whether the government's intent is to improve public health or otherwise. High taxes, excessive regulations, and outright bans on goods generally and historically drive consumers to turn to alternative – not always legal – new sources to supply the goods they are accustomed to using. In Maryland, there is no evidence that the result of a flavored tobacco product ban will be any different from the history of the prohibition of other goods. And the proposed ban actively limits traditional tobacco product users from accessing innovative, alternative products the FDA has determined to be beneficial to public health as a whole.

¹⁹ https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html

JHolmes SB 177 Written Testimony.pdf

Uploaded by: Holmes, Justin

Position: UNF

Dear Senators,

Good afternoon.

My name is Justin Holmes and I am a resident of Frederick MD. My address 1112 Lakin Dr., Frederick, MD.

I urge you to oppose Senate Bill 177 to ban all flavored tobacco products.

This Senate Bill 177 is a bad idea because of the impact it will have on Maryland's economy and businesses. More than 6,400 licensed Maryland businesses sell tobacco products to 21+ Tobacco Consumers. A large part of these tobacco sales approximately \$641 million annually are comprised of Flavored tobacco products that this proposal would ban.

Thousands of Maryland jobs at legitimate businesses depend on these sales! In addition, Maryland would lose tax revenue from Flavored tobacco sales.

An adult tobacco flavor ban will fuel illegal Flavored Tobacco Sales in our Maryland Market, shifting sales from licensed businesses to the criminal networks that use tobacco smuggling for easy money.

Say NO! to Prohibition!

I urge you to vote against this proposal.

Thank you for your consideration.

Justin Holmes

Final - MD SB 177 Testimony.pdf

Uploaded by: Hyden, Marc

Position: UNF



1212 New York Ave. N.W.
Suite 900
Washington, D.C. 20005
202-525-5717

Free Markets. Real Solutions.
www.rstreet.org

Testimony from:
Marc Hyden, Director of State Government Affairs, R Street Institute

In OPPOSITION to SB 177, “An act concerning Business Regulation – Flavored Tobacco Products – Prohibition.”

January 28, 2021

Senate Finance Committee

Chairman and members of the committee,

My name is Marc Hyden, and I am the director of state government affairs for the R Street Institute, which is a nonprofit, nonpartisan, public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including criminal justice reform and tobacco harm reduction. That is why SB 177 is of special interest to us.

The R Street Institute has long been concerned with the impacts of smoking combustible cigarettes. Years before it became law, we supported efforts to raise the age to purchase tobacco products to 21-years-old. Further, we believe that science-based harm reduction strategies are key to limiting the hazards facing people who use addictive substances but for whom abstinence approaches will not work. While I believe that SB 177 was drafted with the noblest of intentions, I believe that it could work against what I presume is the sponsor’s goal of reducing harm.

One of the most promising weapons used to combat the dangers of combustible cigarettes are e-cigarettes. The simple truth is that e-cigarettes are fast becoming one of the number one tools smokers use to quit and are a far better alternative to combustible cigarettes.ⁱ In fact, the venerated Public Health England stated that e-cigarettes are 95 percent less harmful than combustibles,ⁱⁱ and according to a recent study, they are a more effective cessation tool than nicotine replacement therapies, like the patch or gum.ⁱⁱⁱ Given this, the Maryland legislature ought to be pleased when more smokers consider switching to e-cigarettes.

However, e-cigarettes’ reduced harm profile may not be enough to encourage some smokers to quit smoking for good, but e-cigarette flavors give adults another reason to switch from combustible cigarettes. Indeed, studies show that adults greatly prefer non-tobacco flavors.^{iv} However, if all non-tobacco flavors are banned, then that greatly reduces the likelihood that current smokers will make the switch to less harmful products. This is something that Maryland cannot afford to risk. As it stands,

around 480,000 Americans die from tobacco usage a year – many right here in Maryland – and roughly 12.5 percent of Marylanders smoke combustible cigarettes.^v

Beyond these matters, SB 177 would assign strict penalties for violating its terms, and this will be problematic. It will invite police interaction with alleged violators—such interactions sometimes turn deadly—and violations would be punishable with penalties of up to a \$1,000 fine and 30 days in jail. However, this seems unnecessarily severe especially considering that multiple peer-reviewed studies have concluded that short stints in jails—as little as a few days—increase the likelihood that an individual will commit future crimes. Thus, this bill could help drive up recidivism rates.^{vi}

The bottom line is that Maryland should not remove tools and incentives that help smokers kick the habit, nor should the state foster an environment that might lead to more crime. Rather, Maryland should ensure that the people have the opportunities and tools in place to make less harmful decisions. That is why it is critical for the legislature to re-think SB 177.

Thank you for your time.

Marc Hyden
Director, State Government Affairs
R Street Institute
(404) 918-2731
mhyden@rstreet.org

ⁱ Shu-Hong Zhu et al., “E-cigarette use and associated changes in population smoking cessation: evidence from US current population surveys,” *The BMJ*, July 26, 2017.

<https://www.bmj.com/content/358/bmj.j3262>

ⁱⁱ “Evidence review of e-cigarettes and heated tobacco products 2018,” *Public Health England*, March 2, 2018. <https://www.gov.uk/government/publications/e-cigarettes-and-heated-tobacco-products-evidence-review/evidence-review-of-e-cigarettes-and-heated-tobacco-products-2018-executive-summary>

ⁱⁱⁱ J Hartmann-Boyce, et al., “Can electronic cigarettes help people stop smoking, and do they have any unwanted effects when used for this purpose?,” *Cochrane*, Issue 10, Oct. 14, 2020. https://www.cochrane.org/CD010216/TOBACCO_can-electronic-cigarettes-help-people-stop-smoking-and-do-they-have-any-unwanted-effects-when-used

^{iv} Christopher Russell, et al., “Changing patterns of first e-cigarette flavor used and current flavors used by 20,836 adult frequent e-cigarette users in the USA,” *Harm Reduction Journal*, 15, Article 33 (2018). <https://harmreductionjournal.biomedcentral.com/articles/10.1186/s12954-018-0238-6>

^v “Tobacco-Related Mortality,” *Centers for Disease Control and Prevention*, April 28, 2020. https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/tobacco_related_mortality/index.htm ; “Map of Current Cigarette Use Among Adults,” *Centers for Disease Control and Prevention*, Sept. 14, 2020. <https://www.cdc.gov/statesystem/cigaretteuseadult.html>

^{vi} Paul Heaton, et al., “The Downstream Consequences of Misdemeanor Pretrial Detention,” *Stanford Law Review* 69 (2017), p. 711. <https://review.law.stanford.edu/wp-content/uploads/sites/3/2017/02/69-Stan-L-Rev-711.pdf>.

Opposition to SB 177.pdf

Uploaded by: Inbaraj, Sudhakar

Position: UNF

Date: January 25, 2021

Opposition to SB 177

Hello Senator,

My name is Sudhakar Inbaraj and I live in PG County. I own my home in PG County and my kids go to private school in PG County. Both my wife and I pay taxes to the State of Maryland and to the PG County.

I completely oppose the SB 177 that bans Menthol Cigarettes/and bans Flavored tobacco like cigars and chewing tobacco. This will devastate my retailers where I live, and I know a lot of them. They're really worried about their revenue coming into the store as well as their employees that they employ if the ban goes through. The retailers would most likely have to lay off their employees if the ban goes through because they might not have the money to employ their workers.

Banning a product or products isn't the solution, when the surrounding states sell these products that you are trying to ban in first place. Customers will go to great lengths to buy their preferred products if another state sells them. Maryland borders with Virginia, DC, Delaware and PA, and those states will be the recipients of additional revenues coming from residents of Maryland who buy adult tobacco products.

Sincerely,

Sudhakar Inbaraj

sb177.pdf

Uploaded by: Jordan, Dennis

Position: UNF

Dennis Jordan

Crofton, Md 21114

SB177

Hello,

I would like to submit my opposition to this proposed bill. Banning menthol & flavored tobacco products will certainly lead those that use those products to shop elsewhere. That may be other states or even worse via the black market, which certainly will happen.

When the black-market sales begin, not only will our state of Maryland lose tax revenue, more importantly who will be checking the id of the purchaser? NOBODY.

We have seen the struggles already of businesses trying to survive and now this bill will send more business out to Md and force these stores to reduce their staff and hours, eventually leading to more stores forced to go out of business. In addition, what happens to the wholesalers and tobacco industry employees, how will they survive?

Check the growth of tobacco volume in adjoining jurisdictions/states where such prohibition type restrictions are put in place see the growth those businesses gain due to this type of legislation.

Thanks for your time and please vote no to SB177.

Dennis Jordan

To Senate bill 177 Ban on Menthol Tobacco.pdf

Uploaded by: Karley, John

Position: UNF

To Senate bill 177 (menthol flavor ban)

I ,John Karley, of Beltsville, MD 20705. Oppose the Menthol-Flavor ban.

I own three Gas stations and Convenience stores in Prince Georges and Howard County.
I have 17 Employees in these locations.

This MENTHOL BAN /FLAVOR BAN will severely damage my business as 60-70% (\$80,000/per month or \$960,000.00 per year)of my revenue is drawn from these stores.
This will surely affect my business, employees , their families, and my family too.

This ban will affect my CUSTOMERS. They will go to surrounding states where there is no menthol ban. This ban will kill all my business as we will start losing revenue from products from the C-Store.

This Ban will promote illicit activities, like folks selling these banned products outside my stores by getting from other states.

In short, this Ban is going to affect my overall business, Employees, and their families as they may be laid off due to lost revenues. **THIS IS GOING TO PUT MORE BURDEN ON THE COUNTY AS WELL AS STATE TO PAY UNEMPLOYEMENT AND LOST TAX REVENUES.**

My Humble request: Please do not Ban Menthol/Flavored tobacco products.

Sincerely

John Karley

Shell @ All Saints

Montpellier Shell

Queens Town Shell

Ali Kazmi statement.pdf

Uploaded by: Kazmi, Ali

Position: UNF

January 26, 2021

Sen. Katherine Klausmeier-

My Name is Ali Kazmi. My family and I have 3 stores and employ people from the local community. To learn that the state of Maryland is considering a ban on menthol cigarettes and flavored cigars Really put a damper on my spirit. This proposal would hurt all tobacco retailers.

Tobacco is an important part of my business. Flavored tobacco makes up over 60% of my business. If passed, this proposal would harm businesses like mine that operate throughout the state. A ban on these products would create a loss of revenue, jobs and would shift sales to illegal sources and surrounding states.

My family and I work hard every day, we pay taxes, have the appropriate licenses needed. This extreme measure would make it difficult for us to sustain our business. We ask that you please stand with us in opposing the flavor ban and help keep our business open.

Thank you for taking the time to read this heartfelt statement

Sincerely,

Ali Kazmi

McClean Rio Gas
7300 McClean Blvd
Baltimore, MD

Edgewood Shell
1855 Pulsaki Hwy
Edgewood, Md

Shell
6708 Harford Rd
Parkville,MD

Menthol Ban.pdf

Uploaded by: Kcchhetri, Degan

Position: UNF

Good Morning,

My name is Degan and I own multiple stores within the MD area. My store located at 7954 Belair Rd. Nottingham 21236 falls under your legislation

I urge you to oppose this proposal to ban menthol. This proposal is a bad idea because not only will my 4 businesses be put at a disadvantage but so will all the other stores in MD. Right now, I employ over 30 employees. Menthol makes up over 56% of my cig business. If menthol gets banned employees will have to get let go and profits will decrease. Maryland is located around several other states who will still have menthol allowed. When I was talking to my customers they told me to my face "I'll have to drive to Delaware or Virginia if menthol is banned" Illegal activities will start to take place. Buying large amounts of cigs and bring them into MD will begin to happen the state of MD will not be receiving taxes on these items but other states will.

Before you vote to ban think about the long term effect this will have. There are many other business owners like me. Some already cannot keep the lights on due to Covid.

I urge you to vote against this proposal. Thank you.

Degan Kcchhetri

Royal Farms Testimony_Senate Bill 177_1.26.2021.pd

Uploaded by: Kemp, Shelby

Position: UNF



January 26th, 2021

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

Re: Senate Bill 177- Business Regulation- Flavored Tobacco Products - OPPOSE

Dear Senator Kelley and Members of the Senate Finance Committee,

My name is Shelby Kemp, and I am a Marketing Project Manager for Royal Farms Convenience Stores. Royal Farms main business includes convenience, fuel, and quick service restaurants. Our company headquarters is in Baltimore, MD, and we operate 161 stores in the state of Maryland, employing 3,167 employees in the state total. We are also a 3rd generation family-owned business.

Let me start off by saying that Royal Farms takes age verification for age restricted products very seriously. All new employees are required to take an extensive 1.5-hour training on proper tobacco practices and pass an exam with 100% before they can move forward with employment. All existing employees are required to take a 45-minute refresher training once a year and must pass an exam with 100% before moving forward. The training covers topics like house rules, carding techniques, and the right to refuse sales. We also pay a 3rd Party, The BARS Program, to send undercover people into our stores, posing as underage consumers, to ensure our employees are carding everyone who appears under the age of 21. Each store gets an undercover check between 1-4 times a month. If the employee fails the undercover check, they are required to complete a 2-hour retraining with an exam. We require and invest money into the tests, exams, and 3rd party verification because we want to ensure underage consumers do not get their hands on any tobacco, including flavored.

In terms of sales, Tobacco represents 36% of our total in-store revenue, with Menthol representing 46% of that total. We open approximately 20 stores every year, providing careers to thousands of employees with the revenue that we earn, including revenue from tobacco sales. With a decrease in overall tobacco sales due to a loss of flavored tobacco, we will have no choice but to cut back our growth. We may even have to close existing stores to account for the lost revenue. Layoffs of hundreds of employees would also occur as a result.

We are also concerned about the negative social impact this ban may trigger in our communities. There would be new opportunity for people in states not far from Maryland such as Virginia, Delaware, and Pennsylvania to sell flavored cigarettes illegally in our state to satisfy the large consumer demand. In 2009, Congress and the Obama Administration chose not to ban Menthol cigarettes in the Tobacco Control Act because a ban might trigger an illegal secondary market. We too, share this fear and agree that passing a ban will not have the desired outcomes.

Not only might the bill not have the desired outcomes, but Maryland will also no longer receive the tax revenue they once did from Royal Farms and other tobacco retailers. Each year, Royal Farms pays the

state of Maryland approximately \$59 million in taxes for tobacco. If you remove the sale of Menthol, you will lose approximately \$27.1 million in taxes from Royal Farms alone.

Please consider our plea to oppose Senate Bill 177.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Shelby Kemp', with a stylized flourish at the end.

Shelby Kemp
Marketing Project Manager
skemp@royalfarms.com

Waterloo Shell Testimony.pdf

Uploaded by: Kumar, Naresh

Position: UNF

Date: January 24, 2021

Written Testimony to oppose Menthol/Flavor Ban Bill Number SB177

I, Mr. Naresh Kumar, am the owner of Waterloo Shell in Jessup/Elkridge Maryland. My store is located in Howard County in a very busy intersection off Washington Blvd and Route 175. I employ 7 employees at the Waterloo Shell.

The Menthol/Flavor Ban will destroy my business as well as destroy the lives of my existing seven employees. Let me go through the numbers, I buy \$480,000 per year worth of goods from my local wholesaler, that includes Tobacco, and other items for the convenience store. My Tobacco inventory is strictly 60%-70% of flavored/menthol products and that's what I sell day in and day out. If this goes in effect, I will lose \$336,000 worth of revenue out of the \$480,000 per year, that's a big deal.

Getting to my employees, I employ 7 cashiers/managers. If I lose 70% of my business, I'll most likely lay off 5 of the employees. Who's going to take care of their families? Most of these employees have been with me for many years. This will devastate their families and their finances.

From what I have read, banning something isn't the solution. Customers will go out of their way to go buy their products that they like somewhere else. I'm surrounded by Virginia, West Virginia, Delaware, DC, and Pennsylvania that don't have a ban on any of these flavored items. My customers will go out to these states to buy these items that they prefer. Not only am I going to lose my tobacco sales but other basket items like, chips, candy, sodas, and lottery. I'll lose my gas business as well. My store is off Interstate 95 which is heavily travelled every day. My transient customers won't stop by my store to pump gas, they'll either pump gas in Virginia going south or Delaware going up north.

Lastly, this ban will promote illegal activities like guys bringing product from other states, and selling them illegally right in front of my store or other stores in the area. The guy who might sell these products isn't going to card anyone, and we don't know whether any of those products have been tampered with. It isn't good anyway you look at it. I run a legitimate business, I card whoever buys tobacco products at my store, and I purchase all my tobacco products from a legitimate wholesaler based in Maryland.

Sincerely



Naresh Kumar

Owner of Waterloo Shell

V.Lockley statement.pdf

Uploaded by: Lockley, Veleka

Position: UNF

Sen. Katherine Klausmeier-

Currently, I'm stunned, that I would be writing a letter to ask that you oppose a Tobacco flavor ban. I am well over the age of 21 and it is my right to choose what products I would like to purchase. Please note, if this ban is passed this will not stop me from finding other ways of purchasing my products of choice. I will be contributing to the economic growth of our state.

Not only are you taking away my right, you are creating unnecessary economic loss throughout the state. The local stores that I frequent will have a decline in sales, not only in the tobacco category but for other items that I purchase within their stores. This will create a domino effect. Stores will potentially have to lay-off employees, or even be forced to close.

I do feel that the state has taken strong measures of educating and making sure that Adults 21+ are purchasing tobacco products. Let people of age decide what works for them. Please don't take my voice away! Oppose S.B.177

Thank-you

Sincerely,

Denise V. Lockley

Nottingham, Md 21236

Opposition to SB177.pdf

Uploaded by: Margolis, Barry

Position: UNF



200 Lincoln West Drive • Mountville • Pennsylvania • 17554
Local: 717-285-8000 • Toll Free: 800-992-0592 • Fax: 717-285-8008
www.cooperbooth.com

My name is Barry Margolis and I am the president and owner of Cooper-Booth Wholesale. I am the third generation to operate our family business which employs 284 people.

Cooper-Booth Wholesale Company is a distributor serving convenience store retailers in Maryland. We supply a variety of product categories to convenience stores the largest being tobacco items such as cigarettes, cigars, snuff and electronic cigarettes.

We oppose **SB177** (Flavored Tobacco Products - Prohibition) for a multitude of reasons:

1. This bill is not needed to protect youth now that the minimum age to purchase tobacco products is 21 years of age. All tobacco use including Underage tobacco usage rates are at record lows.
2. The purchase of flavored tobacco products such as menthol cigarettes and moist snuff is an adult choice for a legal consumer product.
3. Tobacco that is flavored with menthol is no more or less harmful than non-menthol flavored tobacco. While flavors have existed for years, tobacco use has continued to decline.
4. Flavored tobacco products intended for adults are no different than flavored alcoholic beverages that have existed for years.
5. Menthol represents 55% of cigarette sales and mint flavors represent 76% of moist snuff sales in Maryland. These bans could cost Maryland close to \$250 million in tax

revenue, reduce employment, and destroy the business of convenience stores across the state.

6. Our business, which supplies convenience stores will be devastated by a flavored tobacco ban. We will need to reduce employment to help offset the loss of sales.
7. Maryland consumers can easily go to other states to purchase the products they want.
8. Bans on Cigarettes and smokeless tobacco will create a large black market for the contraband product. Organized crime will profit from the prohibition of these products. We already see retailers buying tobacco products from unlicensed people selling out of the trunks of cars or white vans.
9. Studies show that 11% of cigarettes sold in Maryland were smuggled. The tax revenue loss currently is estimated to be \$45 million. Flavor bans will make the problem much worse.
10. Illegal sales will reverse the progress to reduce youth tobacco use since criminals don't check their customers for age.
11. SB177 will ultimately be harmful to the citizens of Maryland in terms of tax revenue declines, increased crime and reduced employment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barry J. Margolis', with a stylized flourish at the end.

Barry J. Margolis

President

Maryland Legislature.pdf

Uploaded by: Marianos, Richard

Position: UNF

Maryland Legislature

Annapolis Maryland

Thursday January 28, 2021

HB 134

SB 177

Prepared Testimony By:

Rich Marianos

Retired Assistant Director

Bureau of Alcohol, Tobacco, Firearms and Explosives

Professor Georgetown University

Senior Law Enforcement Consultant for RAI Services Company

Good afternoon ladies and gentlemen of the Senate Finance Committee. My name is Rich Marianos, and I am a senior law enforcement consultant for RAI Services Company.

Let me start by telling you a little about my background. I retired from a 27-year career at the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) as Assistant Director. During my ATF career, I conducted, supervised and oversaw investigations into organized crime, counterterrorism, drug trafficking organizations and violent crime.

My ATF experience also includes the position of Special Agent in Charge of the Washington Field Division and Deputy Chief of ATF's Special Operations Division.

In addition to my consultation duties for Reynolds, I am also an Adjunct Professor at Georgetown University in Washington, D.C., where I teach courses in Political Violence and Terrorism. If you cannot tell by my background, crime prevention and security are things that I take very seriously.

As you know, there has been ridiculous legislation proposed in Maryland intended on the prohibition of flavored tobacco products, that to include the sale of menthol cigarettes. If you create a prohibition in this environment, you provided an easy to way for smugglers to travel interstate to purchase cigarettes to and cross state lines to sell, trade, and barter among the criminal market. Currently with the recent consideration by Maryland in banning the sale you will be creating a breeding ground in vulnerable communities that has increased illicit activity and increased interaction with law enforcement.

From a law enforcement perspective, your legislation will create a greater gap between police and the community, known as the Ferguson effect. Police now are forced to deal with the side-effects of these legislation than serving and protecting the community. The community will now first-hand see this as a waste of law enforcement resources—or harassment—and refuse to cooperate with investigators on real issues. More and more each day, the community will begin to lose trust in law enforcement.

A ban on the sale of menthol products but not the possession of those products will lead to increased smuggling into Maryland. This will also lead to an increase in other criminal activity. As time passes, Law enforcement doesn't have the resources to engage with an influx of criminals and the court system it simply doesn't have the resources to take on additional caseloads. At the same time, police overtime doesn't exist to pay for the additional burden. Obviously, for police to devote a larger share of resources to one particular area or problem, they must divert resources from other areas and problems.

Disparities in local ordinances can provide huge profit opportunities criminals. For example, a tractor trailer smuggling 800 cases of cigarettes (48,000 cartons) from Richmond Virginia, to Baltimore, continually grosses profits in excess of over \$1 million dollars. Smugglers coming from even further out—such as St. Louis, Missouri—have an even larger windfall when smuggling cigarettes. Factor in the potential smuggling from not only outside states but outside counties, and Maryland has created a perfect storm for criminal activities.

With the influx of commercially smuggled cigarettes from criminal entities comes a potential increase in violent crime. Those who participate in large-scale cigarette smuggling are often involved with other forms of illicit activity. Recently, the state of Rhode Island realized that the movement of illicit cigarettes into their state has resulted in an increase in violent criminals traveling to the state to sell illicit product from Virginia and other lower-tax jurisdictions. Rhode Island lawmakers have taken a firm stand against cigarette smuggling in an effort to thwart the influx of violent criminals entering the state.

And let me be clear: Those who smuggle cigarettes from other states do not attempt to age-verify those purchasing their illicit product. This will place Maryland youth in a precarious position and could jeopardize the efforts to date to prevent youth from smoking.

I strongly urge the committee to study what is occurring with regard to cross-border cigarette sales, enforcement and the operational needs of the distribution community. Reverse this ban and use this revenue to enhance the safety of the state's citizenry

I urge the members of this committee to consider the unintended consequences that a flavor ban may have on cigarette smuggling and other illicit activities and vote no on the proposed ordinance.

SB177 wmda kirk.pdf

Uploaded by: McCauley, Kirk

Position: UNF



WMDA/CAR Service Station
and Automotive Repair Association

January 26, 2021

Chairman: Delores G. Kelley
Members of Senate Finance Committee

RE: SB177 Flavored Tobacco Products – Prohibition

Position: In Opposition

Banning flavored tobacco products including electronic smoking devices will have unintended consequences to adult and youth purchasing tobacco products, on taxes received and the financial health of retailers that are on a razor's edge now.

Flavored menthol tobacco products average about 58% in our member sales statewide and more in some areas. The age to buy tobacco products is 21. Will this ban keep adult smokers from buying their favorite tobacco? It will stop legal sales in Maryland, but not DE, VA, WV where tobacco is cheaper and not far away. Maryland retailers would not only lose tobacco sales, but also gas and ancillary items purchased in store.

Black markets exist now and with a flavor ban they would explode. Crime associated with illegal sales will also. The underage will have more locations to buy their product where they do no age verification. Maryland retailer check I.D.

The best way to protect Maryland youth, collect taxes, and keep retailers in business along with thousands of employees is to recognize Maryland is not an island. As well intended as this bill is it creates more opportunity for illegal activity, is inconvenient for adult smokers and hurts retailer.

Please give SB177 an unfavorable Report

WMDA/CAR is a trade association that has represented service stations, convenience stores and independent repair shops since 1937. Any questions can be addressed to Kirk McCauley, 301-775-0221 or kmccauley@wmdda.net

MVA Members_SB 177_OPP.pdf

Uploaded by: Meyer, Isaac

Position: UNF

Testimony from the members of the Maryland Vapor Alliance
Senate Bill 177
OPPOSED

January 28, 2021

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

Dear Chair Kelley, and members of the Senate Finance Committee,

My name is Matthew Milby and I am writing in opposition to the flavor ban bill that was proposed this legislative session. Instead of just outright opposing I would like to give you my backstory and reasons why I chose vape and open a vape shop. They are important because this flavor ban would put me out of business and cause extreme hardship on myself and my family and cause harm to the general health of many thousands of Marylanders.

I am now 42 years old and I was diagnosed with Multiple Sclerosis when I was 29. I had to leave my job at the United States Postal Service because people with MS are very sensitive to heat and I could not perform my duties any longer. I still had a desire to help people, so I went through nursing school. Also because of MS I found the duties of a nurse to far exceed my abilities as someone with MS who also suffers from chronic fatigue. This desire to help people never left my mind.

I was a smoker and tried vaping to quit where the patch, gum and other methods had failed so many times. I even went to smokeless tobacco because I knew it was still harmful but at least I could breathe. It wasn't until I found a flavor of vapor that I enjoyed that I was able to quit for good. I haven't had a cigarette or any tobacco in over six year now! I started at 24 mg/ml of e-liquid and now I'm down to 3mg/ml and barely dependent on nicotine. Flavors is what helped me quit for good!

Our customers and I depend on flavors to accomplish this goal. We are interested in harm reduction that comes from the use of electronic smoking devices instead of cigarettes. As the most educated state in the United States, it pains me to see us not following science when it pertains to electronic smoking devices. If flavors are banned, I will lose my business and all my customers will have no choice to go back to smoking cigarettes that cause death and disease because no vape shop in Maryland will survive only selling tobacco flavored electronic smoking devices. I implore you to visit a local vape shop in Maryland (we can get you names and addresses) and talk to your constituents that use vapor products and you will see firsthand how immensely helpful they are to the people of Maryland and how it has bettered their lives.

Thank you for your time,

Matthew Milby

January 28, 2021

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

Dear Chair Kelley, and members of the Senate Finance Committee,

I am 54 years old, smoked for 35 years and quit smoking cigarettes using flavored e-liquid. I have been vaping for 7 years now. I love this industry so much that 4 ½ years ago I decided to open my own vape shop to help people quit combustible tobacco. I have been able to help many, and 95% of my customers started with flavored e-liquid. If you take away flavors you will be sending people out of state or, worse, back to smoking cigarettes. Adults like and want flavors. They do not want to taste tobacco which is what they are trying to get away from.

I would also like to stress that we are an adult only vape store. We do not sell to anyone under the age of 21 which was effective October 1, 2019. We do not sell Juul or any pre-filled cartridge-based systems that convenience stores sell.

There are many avenues that can be taken to ensure that kids are not getting addicted to nicotine. Banning flavors for adults and closing law abiding business' is not one of them.

I strongly oppose the flavor ban and ask that you keep flavors in vape shops.

Respectfully

Lisa Barkhorn

B&B's Vape Café
3224 E. Joppa Rd.
Baltimore, MD 21234

January 28, 2021

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

Dear Chair Kelley, and members of the Senate Finance Committee,

My name is Sarah Roberts and I'm a 43-year-old small business owner that smoked over a pack of cigarettes a day for 20 years. Since I was 19 years old, I had countless battles with pneumonia. After many hospital stays and doctor visits, every single year, the doctors were telling me if I didn't quit I would die as the antibiotics were no longer working. Over those 20 years I tried gum, the patch and Chantix. Some worked for short amounts of time, but nothing has worked for long stints until vaping flavors. The last time the doctors told me I was going to die, and in a much more serious tone, I finally tried vaping. I first tried tobacco flavors. I was able to cut down but was not able to quit fully until I found flavors like strawberry, chewing gum, candy or coffee flavors. Flavors saved my life, literally. Since starting to vape, I have not had a single case of pneumonia in over 7 years. I do not get sick nearly as much and have not had a hospital visit since starting to vape. At my last doctor's appointment, she couldn't even tell I smoked a day in my life or currently vaped.

When I was younger and smoking and I would end up with pneumonia, I needed assistance financially to pay for those visits to the hospital. The state helped me greatly! I'm sure there are countless people that use the system every year because of similar stories but if vaping can prevent those hospital stays in the first place, why are we trying to ban it! The cost to our state health care programs outweighs any tax money from cigarettes, yet those will remain on the market. Vaping flavors is helping ease health care costs.

Instead of looking at vaping like "the new cigarette" let's look at it like it's solving a problem in our society and helping the older generations and preventing the newer generations from choosing analog cigarettes. This is a new form of nicotine that has less risks, saves the state on health care costs, and helps the community in the long run. Let us move on to the newer and much safer alternative for the older and newer generation and hopefully get rid of the analog cigarette that is killing millions worldwide and hundreds of thousands of people just in Maryland.

I will not go back to cigarettes and I will not vape tobacco flavored vapes. It reminds me of a cigarette and makes me crave cigarettes. I'm choosing my life by vaping flavors! I believe in this product so much my husband and I opened our own vape shop in Pasadena, 10 minutes from my home in Glen Burnie to help others quit smoking. For over 6 years I have helped adults quit smoking (thousands and thousands of people). I have seen people that could barely walk 50 feet into my store skip into my store after switching to vaping. If flavors are banned thousands of people will be affected and those are just my customers in my little shop. I worry that many of

my customers will turn to the black market, or driving a few hours into another state, or simply having it shipped. They are simply choosing their life; can you blame them? Let's work on a solution that will work for the entire community, together, instead of banning or taxing what IS the future, whether you believe in it or not.

Thank you for your time,

Sarah Roberts
BS Vapes LLC
Pasadena MD

January 28, 2021

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

Dear Chair Kelley, and members of the Senate Finance Committee,

My name is Melissa Hendrix and I own the Vape Loft in Edgewater, Maryland. I quit cigarettes in 2013 with the help of vape. At first it was not easy, and I was back and forth. However, I stuck with it and no longer smoke cigarettes. I am on my way off vaping because I can drop my nicotine down to zero. I just had a checkup with my doctor who said my lungs sound great along with my heart. Changing over to vape has also changed my way of living a healthier life from eating and exercising.

I opened my store on October 10, 2014. That was a proud day for me because I am helping adult smokers like me quit smoking, and the ride that comes with starting your own business. I want for other adults like myself to have healthier options. My customers have been fighting just as hard as me to keep flavors legal in Maryland. Flavors are important to anyone who vapes. It is what helps to keep us away from cigarettes. Many customers have said that they would find other ways to continue to vape and some have said that they would probably go back to cigarettes because they still desire nicotine. When quitting an addiction, you need a process that works for the individual and this works for many.

Flavored e-liquids make up about 70% of our business, if you eliminate flavored nicotine products, we will not have a business to run. We also bring in about \$20,000 in sales tax revenue for the state of Maryland annually along with our \$150 for licensing, especially when you consider the proposed increase in sales tax on our products would potentially double our taxes. Not only would it hurt myself, my family, my employees, and my customers, but it would hurt the State of Maryland. Eliminating flavors from the vape industry when all we are trying to provide is a healthier alternative to smoking is not good public policy. Technology is leading the way, lets accept it and see the potential we can bring to our Maryland nicotine consumers.

Sincerely,

Melissa Hendrix
Vape Loft, LLC
167 Mitchell's Chance Road

January 28, 2021

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

Dear Chair Kelley, and members of the Senate Finance Committee,

My name is Rich Wesley and I own 3 vape shops in the state of Maryland - Two in Cecil County and one in Harford County. I was a smoker of combustible cigarettes for 25 years and had always wanted to quit smoking but just couldn't. I used every method available including all over-the-counter FDA approved methods and was not able to kick the habit. A friend introduced me to vaping, as they had used this method to quit, and I was able to quit combustible cigarettes. Before I started vaping as a method to quit cigarettes, I did extensive research into this method. I found multiple reports that it was a much better way to get nicotine that was also a much less harmful way, up 95% harm reduction actually. So, I made the decision to start vaping. From day one I never picked up another combustible cigarette. After a week of vaping, I felt 100% better. My taste came back, I was able to breath better, and I personally smelled better. As I continued to use this method to stay off cigarettes my health continued to improve. After a month I was able to do all my normal activities without losing my breath and I was back to a normal sleep routine. Plus, the greatest thing was I started out on a high nicotine percentage and was able to continually reduce my nicotine percent. Flavors made the transition possible. If it was not for the availability of flavors I would not have been able to continue vaping and would of definitely return to combustible cigarettes.

Just having tobacco flavors available would definitely have sent me back to cigarettes. Since vaping worked so well for me that is why I started my own vape shop. I wanted to give this opportunity to everyone that was a current cigarette smoker. It was such a great thing that it needed to be available to adults who desired to quit.

Now my concerns about a flavor ban. If a flavor ban was to happen people would not continue to use this life saving method to quit deadly combustible cigarettes. What I see with my customers in my shops is when a customer comes in for the first time to purchase a vape to quit smoking cigarettes, they want to start with a tobacco flavor. They do this because it is what they are accustomed to. But what I always see is on their second visit they want to switch to a different flavor. Tobacco reminds them too much of smoking cigarettes and to stay away from cigarettes they would like to get away from tobacco flavors. They claim that if they continue with tobacco flavors they are going to go back to combustible cigarettes. Right now, tobacco flavors only account for **2%** of my e-liquid sales. The majority of my customers use a fruit or candy flavor to stay off of combustible cigarettes. In conclusion if flavors were to be removed people would go back to smoking combustible cigarettes. We already have 480,000 Americans in this country that die each year from smoking and smoking related illnesses. Don't ban flavors.

Sincerely, Rich Wesley
January 28, 2021

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

To whom it may concern,

My name is Aaron McCracken. I am the owner and operator of Mean Street Vapor, LLC. After struggling to quit smoking cigarettes for nearly two decades, I wandered into a local vape shop. I had tried all the traditional methods to help me quit - nicotine gum, patches, and even prescription drugs. All of which were little to no help. I decided to give vaping a shot. The tobacco e-liquids were close, but no cigar. I still craved real cigarettes. After about a month of trial and error, I finally found a flavor, peaches and cream, that I enjoyed, and it really helped me stick to vaping. After another month of vaping, I found that I was completely disgusted by the smell and taste of cigarettes. I have been cigarette-free for almost a decade now. My health has greatly improved, and I have even been able to quit vaping, becoming completely nicotine-free for the last 3 years.

In 2013, I decided that I wanted to help other struggling adults quit smoking, so I opened Mean Street Vapor, LLC. I hired others who found vaping to be the only reason they were able to kick the habit of smoking. We started researching and creating our own flavors, we carried all the latest devices and we offered support to all of our customers. Mean Street Vapor, LLC soon gained a following and many customers returned solely for our e-liquid flavors and great customer support.

If my only e-liquid options were tobacco flavors, I would have never been able to quit smoking. As a vape shop owner, I have talked to many other adults that say the same. Without flavored e-liquid, many adults would not feel empowered to quit smoking and reclaim their health. Many who have already quit smoking have said they will return to cigarettes if they cannot continue to purchase the flavors they have come to know and love. We serve approximately 3,000 adults per month, of which, only roughly **3%** enjoy and purchase tobacco flavored e-liquid. If this flavor ban were to pass, we would lose roughly **97%** of our business. This would absolutely destroy the business I have spent years creating, putting my entire staff out of work. More importantly, this e-liquid flavor ban would cause so many adults to continue, or return to, smoking cigarettes.

Sincerely,

Aaron P McCracken

MVA_SB 177_OPP.pdf

Uploaded by: Meyer, Isaac

Position: UNF



**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

Senate Letter.pdf

Uploaded by: Monica, Katie

Position: UNF

Katie Monica

Frederick, Md 21701

SB177

Senators.

I am writing to oppose Senate Bill 177 to ban all flavored tobacco products.

I encourage you to consider the ACLU's position on tobacco prohibition: "Blanket prohibition on menthol and flavored tobacco products will disproportionately impact minority communities, trigger criminal penalties - prioritizing criminalization over public health and harm reduction, and instigate unconstitutional policing and other negative interactions with law enforcement."

The death of Eric Garner in 2014 generated national attention not only for the brutality he experienced at the hands of NYPD police, but for the reason that led to the encounter with law enforcement. Mr. Garner died from an illegal chokehold having been stopped by police for selling single cigarettes in violation of state law. Gwendolyn Carr, Eric Garner's mother, cautions: "When you ban a product sold mostly in Black communities, you must consider the reality of what will happen to that very same overrepresented community in the criminal justice system."

Recent history shows us that drug prohibitions and bans increase negative interactions between law enforcement and people of color. The New York Police Department's (NYPD) stop and frisk program resulted in nearly 700,000 stops in 2011, with drugs serving as the alleged pretext for most of those stops. Ninety percent of those stops were of Black and Latinx people.

I am concerned that law enforcement's attempts to enforce a menthol and flavored tobacco ban will undoubtedly lead to increased fines, arrests, incarceration, and police brutality against already overrepresented communities within the criminal justice system in Maryland.

Thank you and please vote NO against prohibition and increasing a need for police presence in Maryland.

Katie Monica

oppose SB 177 menthol Ban Zain Nazir.pdf

Uploaded by: Nazir, Zain

Position: UNF

January 25, 2021

Maryland General Assembly and Senator J.B. Jennings
90 State Circle
Annapolis, MD 21401

Dear Maryland Lawmakers:

My name is Zain Nazir and I oversee multiple gas stations and convenience stores in the greater Baltimore area. Areas such as Joppa, Perry Hall, Baltimore City, Roland Park, and Westminster.

I urge you to oppose Senate Bill 177 to ban flavored tobacco products. This ban will cause a multitude of issues for our state.

Our Maryland businesses have been greatly affected and taken a major decline due to the COVID-19 Pandemic. Signs of improvement in our businesses have been lacking and I do not forecast them improving in the immediate future. For small businesses, cigarettes are a major sale and revenue source. In addition to making a profit from menthol cigarettes, it is one of the key items drawing customers into our stores. They buy our products and we build community relationships with our customers. With the steady decline of sales, this ban would accelerate the nail in the coffin of our small businesses.

The benefit of living in a country like America is that we have a rich history where we can learn lessons from. Banning a certain product simply does not work in our culture. We must learn from times like the prohibition of alcohol and the demonization of marijuana. Those bans did not stop our society from using those products but on the contrary led to an increase in crime and illegal black markets. A ban on menthol tobacco will not stop users from smoking, it will only force them to buy their products from neighboring states or illegal sources. The recent ban of flavored vapes is a prime example. It is still quite easy to purchase disposable flavored vapes in our state, but unlike before customers are buying unregulated black market vapes. These vapes are more dangerous than before because the contents and manufacturing of these vapes is completely unknown.

At the end of the day, we are working middle class Americans. We have mortgages, bills, car payments, families, etc. Thus, this ban will cripple small businesses and ruin the relationships built within the community. We do not want to be in a position where we are forced to lay-off our employees. Instead of our law makers taking the easy road by simply banning flavored tobacco, we should as a state be focused on education of the products and allow adults 21+ to make the decisions on what products they would like to purchase with their hard earned money. I appreciate your time into reading this letter and greatly appreciate your service to our state. I look forward to the positive changes you will make but urge you once again to oppose Senate Bill 177.

Sincerely,
Zain Nazir

Carroll Mart
910 Philadelphia Rd
Joppa, MD 21085

Roland Park Exxon
5425 Falls Rd
Baltimore, MD

Save More
4200 Wabash Ave
Baltimore, MD 21215

Hot Spot Liquors
3533 E Joppa Rd
Parkville, MD

118812125_1_CAA - Maryland Flavors in Cigars Janua

Uploaded by: Nickerson, Sherry

Position: UNF



CIGAR ASSOCIATION OF AMERICA, INC.

Senate Finance Committee

Written Testimony

Senate Bill 177

Position: Oppose

Dear Chairman Kelley and the Members of the Senate Finance Committee:

The Cigar Association of America (CAA) appreciates the opportunity to provide this written testimony in opposition to SB177. CAA is the premier voice of the cigar industry in the United States. CAA is troubled by efforts to remove flavored cigars from the market, as there are not scientific or legal justifications for such actions.

Youth Usage of Cigars Is Low, and Continues to Be Lower than Other Similar Products

- The 2019 Maryland Youth Risk Behavior Survey reported that in 2019¹:
 - 6.0% of Maryland high school students reported current cigar use
- In contrast, the 2019 Maryland Youth Risk Behavior Survey reported that in 2019:
 - 5.0% of Maryland high school students reported current cigarette use;
 - 23.0% of Maryland high school students reported current e-cigarette use;
 - 17.6% of Maryland high school students reported current marijuana use; and
 - 24.1% of Maryland high school students reported current alcohol use

Consilium Sciences, an affiliate of the Venebio Group LLC, has prepared the most comprehensive report to date evaluating all publicly available data sources regarding usage of flavored cigar products and has concluded that “no evidence was found of increased use or different usage patterns, either among youth or adults, of flavored relative to unflavored products.”

Banning the Sale of Flavored Tobacco Products to Adults will Have Dramatic Consequences on Maryland Tax Revenues

- Massachusetts banned the sale of all flavored tobacco products as of May 2020
 - Cigarette tax stamp revenues show that, comparing June – September 2019 to June – September 2020, the ban had a large impact on tax revenue, but not on curbing use of menthol cigarettes²
 - Massachusetts tax stamp revenue **declined** 24%
 - New Hampshire tax stamp revenue **increased** 34%
 - Vermont tax stamp revenue **increased** 11%
 - Rhode Island tax stamp revenue **increased** 25%
- Maryland tobacco excise taxes were in excess of \$360 million dollars in the prior fiscal year³

¹ All data is based on use on at least one day in the past 30 days at the time of the survey.

² <https://taxfoundation.org/massachusetts-flavored-tobacco-ban/>

³ <https://www.marylandtaxes.gov/finances/revenue/detailview/default.aspx>

Maryland and the Federal Government have Raised the Minimum Age of Purchase of Tobacco Products to 21

- The Maryland legislature and Congress have already taken the most important step towards curbing youth usage of tobacco use by increasing the minimum age of purchase to 21 years old.

NECSEMA.FlavorBan.Release__january_2021__fnl.pdf

Uploaded by: Parsons Jr, Fred

Position: UNF



FOR IMMEDIATE RELEASE

January 5, 2021

Media contact:

Dave Wedge

617-799-0537

davidmwedge@gmail.com

MASSACHUSETTS HAS LOST NEARLY \$62 MILLION IN MENTHOL CIGARETTE TAX REVENUE THROUGH FIRST 6 MONTHS OF FLAVOR BAN

New Hampshire and Rhode Island continue to reap millions from failed Massachusetts ban

STOUGHTON, Mass. (January 5, 2021) – Excise tax losses from menthol cigarettes continued to mount at a rate of over \$10 million per month during the first 6 months of the state’s ban on flavored tobacco while New Hampshire and Rhode Island businesses and state coffers reaped the benefits of the Commonwealth’s ill-conceived and now failed policy.

“With every month that passes, the state’s ban on flavored tobacco becomes increasingly absurd,” said Jonathan Shaer, Executive Director of the New England Convenience Store & Energy Marketers Association. “All anyone needs to do is look at the excise tax stamp numbers from June through November to understand how ineffective and ridiculous this ban is. Rhode Island and New Hampshire have combined to sell 18.9 million more stamps than they did over the same period in 2019 while Massachusetts has sold 17.7 million fewer. Indisputably, menthol cigarettes are purchased in neighboring states and then brought back into Massachusetts for personal consumption or illicit market sales.”

Updated data for June – November 2020 vs. same period prior year. These figures are for cigarettes only and do not include other forms of flavored tobacco including smokeless, pipe or cigar.

- Massachusetts
 - Cigarettes excise tax stamp sales down 17,656,000 or 23.9%
 - Cigarette excise tax loss: \$61,972,560
 - Estimated loss including sales tax: \$73,008,000
- Rhode Island
 - Cigarettes excise tax stamp sales up 2,847,000 or 18.2%
 - Cigarette excise tax gain: \$12,100,000
 - Estimated gain including sales tax: \$14,066,740

- New Hampshire
 - Cigarettes excise tax stamp sales up 16,053,000 or 29.7%
 - Cigarette excise tax gain: \$28,574,340

Actual retail sales information from NECSEMA members during these 6 months reveal further distressing results:

- Non-flavored cigarette sales in Massachusetts have increased 15%, and non-flavored smokeless sales have increased 350% vs. the same period in 2019.
- Total cigarette sales in New Hampshire have increased 46%, menthol cigarette sales are up 90% and mint/wintergreen smokeless sales are up 105% vs. the same period in 2019
- Total cigarette sales in Rhode Island have increased 20%, menthol cigarette sales are up 29% and mint/wintergreen smokeless sales are up 59% vs. the same period in 2019.
- Total in-store sales in Massachusetts are down 10% while they are up 93% in New Hampshire and 15% in Rhode Island.

“I challenge anyone to demonstrate how this ban has been effective,” Shaer said. “New Hampshire and Rhode Island imports have replaced sales once made in Massachusetts by licensed retailers. In fact, the latest data shows an uptick in cigarette sales when you combine the increases for non-flavored cigarettes in Massachusetts with total cigarette sales gains in New Hampshire and Rhode Island. Massachusetts small businesses have lost, the Massachusetts budget has lost, public health has lost, and youth who this law was allegedly intended to protect have lost since prevention revenue has greatly diminished.”

NECSEMA opposed the flavored tobacco ban in 2019 when it was first presented, and continues to monitor sales data to demonstrate the failure of the law and the wrongful impact to its members. The association represents both chain and independent convenience store owners, including many in urban communities that are being disproportionately affected by this ban. According to the National Association of Convenience Stores (NACS), there are 3,360 convenience stores in Massachusetts with 54,000-plus employees accounting for \$17 billion in sales annually. With over 89% of legal cigarette sales occurring at convenience stores, this policy hits its industry particularly hard.

“The focus should have solely been to address youth access and use of flavored vape. Instead Massachusetts overstepped to include adult products and now stands alone as the only state with a comprehensive flavored tobacco ban,” Shaer said. “While any underage use of tobacco is concerning, a ban on what are clearly adult-preferred products isn’t appropriate.”

To speak with Jonathan Shaer, please contact Dave Wedge at davidmwedge@gmail.com or 617-799-0537.

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Testimony SB177 Fred Parsons.pdf

Uploaded by: Parsons Jr, Fred

Position: UNF



3501 Benson Avenue Baltimore, MD 21227
410-644-6414 / 410-646-3745 Fax
www.georgejfalter.com

January 26, 2021

To; Chair, Senator Kelley and committee members

Regarding SB 177, we are against this bill.

As an industry supplying legal products we have been for all of the age restrictions limiting tobacco and vape products to adult consumers only.

A flavor ban on tobacco and related products will cause enormous detrimental financial losses to the convenience store industry. These businesses have already suffered greatly this year in the current Covid climate. They have had many extra expenses to make their stores safe for consumers just to shop in their stores.

Menthol cigarettes in this market area are near 50% of the sales to adult smokers. Adults should have the choice to buy what they want as consumers.

The federal government has given the FDA the authority to oversee sales of tobacco and vape products. The state should follow the FDA regulations. Enacting your own regulations will chase business to the surrounding states as has happened in other states already.

Fred L. Parsons

Treasurer and partner

The George J. Falter Company

Montgomery Exxon. pdf.pdf

Uploaded by: Patel, Apurva

Position: UNF

Date: January 25, 2021

Written Testimony to oppose SB 177

I, Mr. Patel, am the owner of Montgomery Exxon in Elkridge, Maryland. My store is located in Howard County off Washington Blvd.

The Menthol/Flavor Ban will devastate my business, my employees, and my family. I buy close to \$450,000 worth of products per year from my local wholesaler and majority of those items are flavored tobacco products like Menthols, flavored cigars and flavored chewing tobacco. These items make up 70%-80% of my overall sales in my convenience store in terms of sales of tobacco products. So about \$360,000 of sales of these items per year will be wiped out instantly if this proposed ban goes through.

I employ 12 workers, and majority of them are full time employees, and have been with for a long time. If I lose 70% to 80% of my tobacco business, I'll most likely have to lay off 7 to 9 of my employees. Being unemployed is just horrible, and where are they going to go? Who is going to pay their house rent, their car payment, and food they have to buy to feed their families?

I sell legal products dictated by the State. I buy all the tobacco products from a legal wholesaler based in Maryland. I card all my customers who come through the door who buy adult tobacco products. Smoking age now is gone to 21, and I fully support it even if I have lost some revenue due to the raising the minimum age to smoke. If this ban goes into effect, customers will get their products illegally through other channels and that leads to black market.

My store parallels Interstate 95, I have customers who come from the north and south. If this ban takes goes into effect, customers from out of state won't stop by to pump gas or buy any items in my store. They'll just go a few miles into Virginia or DC or go up north to Delaware to buy their preferred tobacco items and other items as well. The State of Maryland will lose more than just the tobacco sales, they'll lose the gas sales, sales of lottery as well as sales of other convenience store items.

In closing, please take a close look at this, it's going to be devastating to local businesses in Maryland. It will ruin my business, my employees and my family!!!

Sincerely

Mr. Patel

Montgomery Exxon

6310 Washington Blvd

Elkridge, Maryland 21075h

Nottingham shell.pdf

Uploaded by: Patel, Den

Position: UNF

Sen. Katherine Klausmeier-

I am writing on behalf of myself and family. We own and operate stores within the state. I am disappointed to learn that Maryland is considering a ban on menthol cigarettes, flavored dip and cigars. This proposal could hurt law-abiding tobacco retailers across the state. I ask that you Please oppose this ban!

A ban on traditional flavored tobacco products will shift sales from businesses like mine to illegal sources and surrounding states.

Tobacco product availability is an important piece of my business. Menthol cigarettes and flavored cigars and dip make up over 50% of that category. If passed, this proposal would harm businesses like mine that operate in your jurisdiction. It targets a large portion of my revenue and would hurt sales by removing products that many adult customers purchase. A ban on these products would have a direct and negative impact on sales, jobs and other economic contributions my business provides to the local community.

Please oppose the flavor ban on traditional tobacco products. Thank you for considering our views.

Sincerely,

Den Patel

January 26, 2021

Nottingham Shell
7533 Belair Rd
Nottingham, Md 21236

Emmorton Shell
1902 Emmorton Rd
Bel air,Md

Menthol Ban Testimony.pdf

Uploaded by: Pervez, Md Zahid

Position: UNF

Date: January 26, 2021

Written Testimony to Oppose Menthol and Flavor Ban Bill (SB 177)

I, Ather Chaudhry, of Azan Petro Maryland, affirm that all statements in this testimony are accurate.

I am an owner of 34 convenience retail stores in Maryland, all located in Central Maryland, (PG, AA, Howard, Baltimore, St Mary's, Montgomery) Together at these stores, we employ more than 100 people.

30-40% of our store sales are coming from cigarette and tobacco products. Among that sales 50-60% of it is Menthol or flavored tobacco product. If this proposed Menthol ban takes place it will severely damage our businesses, leading to crippling financial hardship for us. The result would be closure of many of our stores and layoffs of many of our employees. It will create significant number of job loss, less revenue, and less tax for Government. Whereas people those who are into these products will drive to different States to get what they need. It will create an unnecessary competition between States and business. There is a long history in our country of products being banned, only for that market to move to illicit and illegal channels, resulting in extraordinarily harmful consequences to our society. The damage to society has been immeasurable and long-lasting. Ultimately Maryland will be losing the business. As you know small business like us are the backbone of our economy as we serve everyday essentials and groceries to our local communities. If we cannot survive in our community, economy will not survive.

A better approach for our government would be smartly legislate the distribution and sale of menthol tobacco products. We urge you to reconsider this ban and partner with us to enforce the already-available regulations to prevent abuse such as minimum age-restrictions, constraints on quantities, robust licensing, and partner in developing public educational programs regarding responsible tobacco use for our youth.

Sincerely,

Ather Chaudhry

Azan Petro

Harwood Market, Paceway BP, Forbes BP, Hi Tech Mobil, Dunkirk BP, 301 Truck Stop, Village Exxon, Campus way BP, Kettering BP, Columbia crossing Mobil, Long gate Mobil, Woodyard Exxon, Whitmarsh BP and more.

SB177 and SB273.pdf

Uploaded by: Phelps Jr, John

Position: UNF

Greetings,

My name is John Phelps Jr and I am with High's of Baltimore and Carroll Motor Fuels. Carroll Fuel has been in business since 1907 and High's since 1928 and we have hundreds of locations throughout Maryland and employee over 600 people in Maryland. I am writing today to ask you oppose the following:

SB 177 Business Regulations – Flavored Tobacco Products – Prohibition

Bans the sale of all flavored tobacco products including menthol cigarettes and flavor vape products.

SB 273 Electronic Smoking Device Regulations Act of 2021

Restricts the sale of vape products to only vape shops and bans the sale of most flavored vape products.

The banning of menthol cigarettes would have a severely negative impact on our business. Over the past few years we have worked hard to reduce our need to sell tobacco, but the reality is that these products help us keep our stores open and our co-workers employed. We continue to see the cost of doing regular business rise every year with yearly increases as the state works its way to a \$15 minimum wage. A significant portion of our sales come from the selling of menthol cigarettes and other tobacco products like cigars, dip, and snus. These sales are essential in helping us be able to continue to grow and increase our work force.

We fully complied with the state's decision to ban flavored e-cigarettes and no longer sell them. We have every store associate complete training on selling tobacco products to minors and have them frequently retake the course throughout the year. We have implemented a 3rd party company to do compliance checks to ensure we are executing these practices in the stores through unannounced checks. We have invested in upgrades and updates to our point of sale systems which allow for further checks and accuracy when selling age restricted items. I do not think only vape shops should be able to sell vapor and e-cigarette products as we have put in place numerous measures to prevent illegal transactions.

Thank you for considering our thoughts and if you have any questions, please feel free to reach out.

Testimony 012621.pdf

Uploaded by: Prandy, Eric

Position: UNF



Cato Retail ♦ P.O. Box 1030 ♦ 1004 Parsons Rd. ♦ Salisbury, MD. 21801

Phone: 410-546-1215 Fax: 410-546-0757

January 26, 2021

Good Afternoon,

I am alarmed to hear about the proposed ban on menthol cigarettes, flavored dip, and flavored cigars--- even for adults 21+. I ask that you please oppose S.B. 177.

Our business and businesses like ours add to the economy in Maryland. We are licensed, we employ members of our communities, and we pay our taxes. During this prolonged economic slowdown, my business -- and others like mine -- have provided necessities such as bread, milk, and other groceries to thousands of Marylanders, especially those in underserved communities across our state without access to big-box grocers.

Banning these products would undermine my ability to operate by significantly impacting my revenue. Plain and simple: it could force many small businesses to close.

Moreover, this ban will just push the sales of these products to stores in nearby states or, even worse, to the illegal market and criminals who don't care about checking IDs.

Please oppose a ban on menthol cigarettes, flavored dip, and flavored cigars.

Sincerely,

Eric J. Prandy

Eric J. Prandy
Director of Retail Marketing
Goose Creek Convenience Stores

SB273_SB177_Unfavorable_MRA.pdf

Uploaded by: Price, Sarah

Position: UNF



**SB273 Electronic Smoking Device Regulation Act of 2021
SB177 Business Regulation – Flavored Tobacco Products - Prohibition
Finance and Budget and Taxation Committees
January 28, 2021**

Position: Unfavorable

Background: SB273 and SB177 would prohibit or otherwise restrict the sale of flavored tobacco products and electronic smoking products in Maryland.

Comments: The Maryland Retailers Association opposes the outright prohibition or increased restriction of the sale of flavored tobacco products and electronic smoking products or devices in Maryland. These actions would be harmful to small businesses and to individuals who are attempting to break their addiction to combustible nicotine products. Though proponents of this legislation would cite that electronic smoking devices are not an FDA-approved cessation device, they are widely accepted and utilized as a self-led cessation method within the tobacco-using community.

The MRA advocates for a regulated market that allows adults to have access to safe cessation products, and the enforcement of current counterfeit laws to cease the sale of illegal products. History has proven that the prohibition of undesired materials drives those items to an unregulated underground market. A lack of regulation and enforcement results in dangerous products, like the counterfeit vaping pods that caused mysterious lung illnesses in over 1,000 Americans.

This legislature took aggressive steps to curb youth sales in 2019, raising the legal age for buying tobacco products in Maryland to 21. The increased age for the purchase of tobacco products serves as an effective barrier against the sale of any such products to minors. In fact, many small businesses that focus on tobacco sales check ID upon entry in order to ensure that minors are not accessing these products while underage

Restricting or prohibiting the sale of products is the last thing we should be considering during a global pandemic that has resulted in economic shutdowns and travel restrictions. Not only would a prohibition undoubtedly result in an unregulated underground market, but it would surely drive individuals into neighboring jurisdictions to purchase the items they seek.

Thank you for your consideration, and we urge an unfavorable report on SB273 and SB177.

Senate bill 177 Century Distributors Testimony.pdf

Uploaded by: Robins, Debbie

Position: UNF



Century Distributors, Inc.
15710 Crabbs Branch Way
Rockville, MD 20855-2620
www.centurydist.com
Tel: 301-212-9100 • Fax 301-212-9681

January 28, 2021

To: Chair, Senator Kelley and committee members:

Senate bill 177 if passed will put Century Distributors, family owned, out of business. Back in April of 2019 I thought Covid -19 would decimate our business, but Century Distributors was able to navigate and pivoted to remain a sustainable business in Montgomery County and the State of Maryland. If Senate bill 177 passes this will not allow me to pivot or navigate-it will leave 100 square feet of industrial warehouse empty and the exit of 200 jobs in Montgomery County. Plus, thousands of retailers facing the same challenge, how to remain open and in business.

According to the New England Convenience Store & Energy Marketers Association press release, dated January 5, 2021, the excise tax losses in Massachusetts from menthol cigarettes continued to mount at a rate of \$10 million per month during the first 6 months of the state ban on flavored tobacco while New Hampshire and Rhode Island businesses and state coffers reaped the benefits of the Commonwealth's ill-conceived and now failed policy.

Jonathan Shaer, Executive Director of the NECSE Association stated, "All anyone needs to do is look at the excise tax stamp numbers from June through November to understand how ineffective and ridiculous this ban is. Rhode Island and New Hampshire have combined to sell 18.9, million more stamps than they did over the same period in 2019 while Massachusetts has sold 17.7 million fewer stamps. It is without question menthol cigarettes are purchased in neighboring states and then brought back to Massachusetts for personal consumption or illicit market sales." If you think Maryland bordering states are not looking for this additional revenue added to their coffers you are wrong. This is a huge windfall for our neighboring states if this legislation should pass.

Last year Century sold 3 million cartons of cigarettes into 1300 different types of outlets based on MSA data. Of which 59% were Menthol. \$3.6 million will be immediately lost just from Century with the ban of Menthol. Maryland as whole sold 15.5 million cartons and 8.5 million were menthol. 55% percent of the cigarette volume represents menthol. In lost excise tax for the state is over \$170 million year. In lost excise tax in the next 10 years would equal \$1.70 billion if cigarettes sales remained flat. The ban on menthol cigarettes will decimate Century Distributors as well as other wholesalers and retailers closing our doors.

Cigar Sales into Retail in the State of Maryland pulling from all wholesalers through MSA data shows 79% is flavored out of the 96 million sticks sold. By placing a ban on flavored cigars the state of Maryland will only retain only 20% of sales. Century sold 16 million flavored sticks into

Maryland representing 88% of total cigar sales. The only winner will be our neighboring state and their coffers collecting the additional OTP tax.

Moist Sales into Retail in the State of Maryland Pulling from all Wholesaler through MSA Data shows 86.5% is flavored. A total of 11.5 million cans sold of which 10 million were flavored. By placing a ban on moist snuff in Maryland, the state will only be retaining 13.5% of sales. 86% of the volume and tax collected on flavored products will be shifted to other states again a loss of huge revenue for Maryland. The only winner will be our neighboring states.

The data is even larger for Nicotine Pouches with a 97.6% of sales are flavored at 1.2 million.

Again, a ban on flavored moist tobacco and Nicotine will be a huge hardship on Century and our 1300 tobacco outlets we service. Jobs will be lost throughout the state.

Cigars			Moist			Nicotine pouches		
State	Maryland		State	Maryland		State	Maryland	
Year	2020		Year	2020		Year	2020	
Row Labels	Net Units		Row Labels	Net Units		Row Labels	Net Units	
☐ Cigars (Excluding Littles)			☐ Moist Snuff			☐ Nicotine Pouches		
Flavored	58,341,444		Flavored	9,997,990		Flavored	1,192,459	
Sweet	17,580,323		Unflavored	1,558,786		Unflavored	28,788	
Unflavored	20,404,856		Grand Total	11,556,776		Grand Total	1,221,247	
Grand Total	96,326,622							
With Sweet								
Unflavored	37,985,179	39.4%						
Flavored	58,341,444	60.6%						
Without Sweet								
Unflavored	20,404,856	21.2%	Unflavored	1,558,786	13.5%	Unflavored	28,788	2.4%
Flavored	75,921,766	78.8%	Flavored	9,997,990	86.5%	Flavored	1,192,459	97.6%

All sectors of businesses have suffered greatly these past 11 months navigating Covid-19 pandemic. A flavor ban on cigarettes, tobacco, moist snuff and nicotine pouches will cause irreversible consequences to the convenience store industry and will decimate the three family wholesalers that still exist in the State of Maryland, one being Century Distributors.

Let the FDA do their job and regulate tobacco.

Debbie Robins

President

Century Distributors, Inc.

15710 Crabbs Branch Way

Rockville, MD 20855

www.centurydist.com

☎ (301) 212-9100

✉ drobins@centurydist.com

Certified Women-Owned - Since 1999



Senate bill 177 Century Distributors Testimony.pdf

Uploaded by: Robins, Debbie

Position: UNF



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Tel: 301-212-9100 • Fax 301-212-9681

January 28, 2021

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Debbie Robins
President

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No Flavor Ban Written Testimony in opposition to S

Uploaded by: Silva, Ryan

Position: UNF

Written Testimony in opposition to SB177 and SB273

To Whom it May Concern,

These senate bills will restrict our ability to use lower-risk alternatives to smoking. I smoked cigarettes from when I was 16 until I was 35 years old. At 35, I was instructed by my doctor that if I did not cut out tobacco cigarettes, I would certainly shorten my lifespan by at least 20-30 years. At the young age of 35 years, I had already developed high blood pressure and difficulty breathing when climbing a standard set of stairs or walking a long distance. I was not able to run or compete in sports as well. This was due to the damage that cigarette smoke and tar did to my lungs.

Immediately following this dismal meeting with my doctor, I began exploring options to assist getting off of Nicotine and the addictive, and dangerous habit of Tobacco smoking. In my research, I tried patches which made me sick and burned my skin, and I also tried Nicorette Gum which also made me nauseous. After those failed Nicotine Replacement Therapies, I found a local vape shop who guided me towards a replacement that would help kick the habit. This vape shop, checked my ID at the door and put me onto a Strawberry flavor eliquid with a medium level of nicotine of 12mg. They also guided me with a plan to reduce my dependance on nicotine and within 4 years, I reduced my nicotine usage to 0mg. Meaning that I was no longer physically addicted to nicotine, I only had one part of the habit to quit which was the hand to mouth habit. I am now almost 40 and happy to say that I have not smoked in over 4 years and I have not vaped in about a month. Vaping saved my life. I can compete in sports again. Within a couple years of not smoking I was able to Jog again.

Cigarettes kill 1300 US citizens every day. In Europe, that mortality rate number was also very high due to tobacco related illness, but the Royal Physicians of England through science have convinced the government to create programs along with doctors to switch people from cigarettes to vape. It is truly a matter of life or death for many people. Banning flavors and limiting adult access to vapor products is bad for public health. What would be better is to enforce the current laws in place regarding Identifications at points of sale. Hold businesses accountable who sell to minors. Prohibition is never the answer especially with a recognized Tobacco Harm Reduction product.

The government should be promoting vaping as a valuable tool in the fight against cancer causing cigarettes.

Thanks

Ryan Silva

Flavored Tobacco Products.pdf

Uploaded by: Singla, Ashok

Position: UNF

Good Afternoon.

My name is Ashok Kumar Singla and I live at 11718 Gunners Drive Germantown, Maryland 20876.

I urge you to oppose this proposal to ban the sale of flavor based tobacco products. This proposal is a terrible idea because around 50% of cigarette sales, if not more, are centered around flavor based tobacco products. Banning this would drop sales for all retailers considerably. With the rise of state taxes as well as minimum wage, including paying rent and other utilities as well as employees, banning the sale of these would strangle small business owners and force them to live paycheck to paycheck even after working 12 + hours a day. For all small business owners, every single sale is important as they are extremely hard working and dedicate most if not all of their day to their business. Banning this product will drop sales and make it even harder for them to make an honest living as their customers will look to cross state lines and buy these same cigarettes in neighboring states.

I urge you to please vote against this proposal as it will make it difficult for all of us to make a living after dedicating so much of our time to our business. Thank you.

SB 177 UNF Rev Spann

Uploaded by: Spann, JD, M.Div., Rev. Peter J.

Position: UNF

Testimony for Maryland General Assembly Finance Committee SB0177

January 26, 2021

To: Senator Washington and the Finance Committee

Unfavorable: Written Testimony

My name is Rev. Peter J. Spann. I am an over 20-year resident of Maryland. I am also a husband and father of 2 minor children. I am a pastor with deep roots in Maryland and my community. In addition to being a pastor, I practiced law for over a decade in this state. My community involvement includes coaching youth basketball, working with social justice organizations and working to make sure that our great state has the best people representing us in every level of government.

This issue is important to me as a member of the community and a concerned citizen. **I am therefore asking this committee to not place a prohibition on flavored tobacco products.** The prohibition will have a disproportionate affect on minority communities; lead to the unnecessary use of police resources and engagement; and hurt small and neighborhood businesses.

First and foremost, **I want the committee to know that I do not condone the use of tobacco products.** I think that all tobacco products are unhealthy and lead people down the road to sickness, addiction, and untimely death. Since we as a nation and state have not reached the moral temerity to end the use of all tobacco products, we should not purposefully injure certain communities that participate in this still legal practice.

Additionally, statistics show that menthol cigarette bans will affect communities of color more than other groups because **88% of African American tobacco users prefer menthol tobacco products.** By deliberately targeting these products for prohibition, we would be immediately criminalizing the African American community. We know that cigarettes are addictive, and it is impossible to believe that an entire community could quit cold turkey. Moreover, the refusal to include high-end, expensive cigars in this legislation that also include flavors is telling. It is telling because we know that those cigars are mostly used by White Americans. We should not get into the habit of segregating our laws, whether it be intentional or unintentional.

We are living in a time where police engagement with minority communities needs to be rethought and reimaged. It is for that reason alone - menthol cigarette bans will create illegal markets that will increase policing in communities of color and will increase the sale of unregulated tobacco products that could have far more harmful chemicals. The illegal market and attempts by law enforcement to enforce this legislation will lead to fines, arrests, and incarceration of those who sell menthol cigarettes and will increase negative police encounters with those who will be confronted to reveal the source of their illegal supply.

Unfortunately, one of these harmful law enforcement engagements was video taped 5 years ago when Eric Garner was murdered. Mr. Garner was selling “loose cigarettes” in Staten Island, NY when he was killed on the streets at the hand of the New York City Police Department. There is no need to create any more unnecessary interactions with police and minority communities when there is no need to do so.

I also would like to note, a menthol cigarette ban may force neighborhood stores to close because they depend upon the sale of tobacco products to stay in business, employ members of the community and provide communities with basic essentials like milk, bread, diapers and medicine. Many of these neighborhood stores are small businesses. The recent pandemic has had a devastating effect on small and neighborhood businesses. Now is not the time for the state to add to their burdens.

Lastly, enforcing menthol cigarette bans will prevent our state from focusing on more pressing challenges like crime rates, homelessness, unemployment, drug overdoses and affordable housing. All of these issues do not have the adequate resources and this legislation would add to the burden and crises we already face.

I am therefore deeply opposed to this legislation and I hope that this committee will take my testimony seriously and rethink this endeavor. I know there is a better way to make Maryland safe and protect minority communities and businesses.

In Service to Christ,

Rev. Peter J. Spann, JD, M.Div.

01-28-2021 Taxpayers Protection Alliance Testimony

Uploaded by: Stroud, Lindsey

Position: UNF

**Testimony before the Maryland Senate Committee on Finance
Regarding Prohibiting the Sale of Flavored Tobacco and Vapor Products
Lindsey Stroud, Policy Analyst
Taxpayers Protection Alliance
January 28, 2021**

Chairwoman Kelley and Members of the Committee,

Thank you for your time today to discuss the issue of banning the sale of flavored tobacco and vapor products. My name is Lindsey Stroud and I am a Policy Analyst with the Taxpayers Protection Alliance (TPA). TPA is a non-profit, non-partisan organization dedicated to educating the public through the research, analysis and dissemination of information on the government's effects on the economy.

As lawmakers attempt to address youth use of age- restricted products, including electronic cigarettes and vapor products, some policymakers are seeking to ban sales of flavored tobacco and vapor products. Although addressing youth use is laudable, policymakers should refrain from policies that would restrict adult access to tobacco harm reduction products, as well as implementing policies that further subvert adult choices, such as is the case with the proposal to ban flavors in tobacco and vapor products.

E-Cigarettes and Tobacco Harm Reduction

The evidence of harm associated with combustible cigarettes has been understood since the 1964 U.S. Surgeon General's Report that determined that smoking causes cancer. Research overwhelmingly shows the smoke created by the burning of tobacco, rather than the nicotine, produces the harmful chemicals found in combustible cigarettes.¹ There are an estimated 600 ingredients in each tobacco cigarette, and "when burned, [they] create more than 7,000 chemicals."² As a result of these chemicals, cigarette smoking is directly linked to cardiovascular and respiratory diseases, numerous types of cancer, and increases in other health risks among the smoking population.³

For decades, policymakers and public health officials looking to reduce smoking rates have relied on strategies such as emphasizing the possibility of death related to tobacco use and implementing tobacco-related restrictions and taxes to motivate smokers to quit using cigarettes. However, there are much more effective ways to reduce tobacco use than relying on government mandates and "quit or die" approaches.

During the past 30 years, the tobacco harm reduction (THR) approach has successfully helped millions of smokers transition to less-harmful alternatives. THR includes effective nicotine delivery systems, such as smokeless tobacco, snus, electronic cigarettes (e-cigarettes), and vaping. E-cigarettes and vaping devices have emerged as especially powerful THR tools, helping nearly three million U.S. adults quit smoking from 2007 to 2015.

In fact, an estimated 10.8 million American adults were using electronic cigarettes and vapor products in 2016.⁴ Of the 10.8 million, only 15 percent, or 1.6 million adults, were never-smokers, indicating that e-cigarettes are overwhelmingly used by current and/or former smokers.

E-Cigarettes and Vapor Products 101

E-cigarettes were first introduced in the United States in 2007 by a company called Ruyan.⁵ Soon after their introduction, Ruyan and other brands began to offer the first generation of e-cigarettes, called “cigalikes.” These devices provide users with an experience that simulates smoking traditional tobacco cigarettes. Cig-alikes are typically composed of three parts: a cartridge that contains an e-liquid, with or without nicotine; an atomizer to heat the e-liquid to vapor; and a battery.

In later years, manufacturers added second-generation tank systems to e-cigarette products, followed by larger third-generation personal vaporizers, which vape users commonly call “mods.”⁶ These devices can either be closed or open systems.

Closed systems, often referred to as “pod systems,” contain a disposable cartridge that is discarded after consumption. Open systems contain a tank that users can refill with e-liquid. Both closed and open systems utilize the same three primary parts included in cigalikes—a liquid, an atomizer with a heating element, and a battery—as well as other electronic parts. Unlike cig-alikes, “mods” allow users to manage flavorings and the amount of vapor produced by controlling the temperature that heats the e-liquid.

Mods also permit consumers to control nicotine levels. Current nicotine levels in e-liquids range from zero to greater than 50 milligrams per milliliter (mL).⁷ Many users have reported reducing their nicotine concentration levels after using vaping devices for a prolonged period, indicating nicotine is not the only reason people choose to vape.

Health Effects of Electronic Cigarettes and Vapor Products

Despite recent media reports, e-cigarettes are significantly less harmful than combustible cigarettes. Public health statements on the harms of e-cigarettes include:

Public Health England: In 2015, Public Health England, a leading health agency in the United Kingdom and similar to the FDA found “that using [e-cigarettes are] around 95% safer than smoking,” and that their use “could help reducing smoking related disease, death and health inequalities.”⁸ In 2018, the agency reiterated their findings, finding vaping to be “at least 95% less harmful than smoking.”⁹

The Royal College of Physicians: In 2016, the Royal College of Physicians found the use of e-cigarettes and vaping devices “unlikely to exceed 5% of the risk of harm from smoking tobacco.”¹⁰ The Royal College of Physicians (RCP) is another United Kingdom-

based public health organization, and the same public group the United States relied on for its 1964 Surgeon General's report on smoking and health.

The National Academies of Sciences, Engineering, and Medicine: In January 2018, the academy noted “using current generation e-cigarettes is less harmful than smoking.”¹¹

A 2017 study in *BMJ*'s peer-reviewed journal *Tobacco Control* examined health outcomes using “a strategy of switching cigarette smokers to e-cigarette use ... in the USA to accelerate tobacco control progress.”¹² The authors concluded that replacing e-cigarettes “for tobacco cigarettes would result in an estimated 6.6 million fewer deaths and more than 86 million fewer life-years lost.”

An October 2020 review in the *Cochrane Library Database of Systematic Reviews* analyzed 50 completed studies which had been published up until January 2020 and represented more than 12,400 participants.

The authors found that there was “moderate-certainty evidence, limited by imprecision, that quit rates were higher in people randomized to nicotine [e-cigarettes] than in those randomized to nicotine replacement therapy.” The authors found that e-cigarette use translated “to an additional four successful quitters per 100.” The authors also found higher quit rates in participants that had used e-cigarettes containing nicotine, compared to the participants that had not used nicotine.

Notably, the authors found that for “every 100 people using nicotine e-cigarettes to stop smoking, 10 might successfully stop, compared with only six of 100 people using nicotine replacement therapy or nicotine-free e-cigarettes.”

Tobacco and Vapor Product Use Among Maryland Youth

According to the Centers for Disease Control and Prevention's Youth Risk Behavior Survey (YRBS), in 2019, only 39.7 percent of Maryland high school students reported ever using an e-cigarette or vapor products.¹³ This is far less than the national average for 2019 at 50.1 percent of high school students reported having ever tried an e-cigarette.¹⁴ Further, in 2019, only 23 percent of Maryland high school students reported current use of e-cigarettes, or they had used an e-cigarette on at least one occasion in the 30 days prior to the survey. Only 3.7 percent of Maryland high schoolers reported daily e-cigarette use.

According to results from the 2018 YRBS, Maryland high school students reported using flavored vapor products, but flavors weren't overwhelmingly cited by e-cigarette users as a reason for use.¹⁵ When asked about the “main reason” Maryland high school users used flavors only 3.2 percent responded “flavors.” Conversely, 13 percent reported because “friend/family used them,” 11.7 percent reported “other,” and 3.8 percent reported using e-cigarettes because they were less harmful than other tobacco products. This is similar to other state analysis on youth e-cigarette use.

It is worthy to note that Maryland combustible cigarette use is at all-time lows. According to the YRBS in 2005, a paltry 16.5 percent of Maryland high school students reported using combustible cigarettes on at least one occasion in the 30 days prior to the survey.¹⁶ Between 2005 and 2019, current cigarette use among Maryland high schoolers decreased by nearly 70 percent to 5 percent. Further, daily cigarette rates are nearly none existent and have decreased by 85 percent from 5.4 percent of Maryland high school students smoking cigarettes daily in 2005 to 0.8 percent in 2019.

Flavors and Youth E-Cigarette Use

Despite media alarmism, many American high school students are not overwhelmingly using vapor products because of flavors. Indeed, in analyses of state youth tobacco use surveys, other factors including social sources are most often cited among youth for reasons to use e-cigarettes and vapor products.

For example, in 2017, of Connecticut high school students that had ever used an e-cigarette, 23.9 percent reported “flavors” as a reason for use. Conversely, 41.6 percent reported using vapor products because a “friend or family member used them,” and 33 percent cited “some other reason.”¹⁷ In 2019, among all Connecticut high school students, 5.2 percent reported using e-cigarettes because of “flavors,” 18.2 percent cited “other,” and 12.9 percent reported using e-cigarettes because of friends and/or family.¹⁸

Similarly, in 2017, among Hawaiian high school students that had ever used e-cigarettes, 26.4 percent cited flavors as a reason for e-cigarette use, compared to 38.9 percent that reported “other.”¹⁹

In 2019, among all Montana high school students, only 7 percent reported using vapor products because of flavors, compared to 13.5 percent that reported using e-cigarettes because of “friend or family member used them.”²⁰ Further, 25.9 percent of Montana high school students reported using vapor products for “some other reason.”

In 2019, among all students, only 4.5 percent of Rhode Island high school students claimed to have used e-cigarettes because they were available in flavors, while 12.5 cited the influence of a friend and/or family member who used them and 15.9 percent reported using e-cigarettes “for some other reason.”²¹

In 2017, among current e-cigarette users, only 17 percent of Vermont high school students reported flavors as a reason to use e-cigarettes. Comparatively, 35 percent cited friends and/or family members and 33 percent cited “other.”²²

In 2019, among high school students that were current e-cigarette users, only 10 percent of Vermont youth that used e-cigarettes cited flavors as a primary reason for using e-cigarettes, while 17 percent of Vermont high school students reported using e-cigarettes because their family and/or friends used them.²³

Lastly, in 2017, among all Virginia high school students, only 6.2 percent reported using e-cigarettes because of flavors, while 11.3 percent used them because a friend and/or family member used them.²⁴ In 2019, among all Virginia high school students, only 3.9 percent reported using e-cigarettes because of flavors, 12.1 used for some other reason, and 9.6 used them because of friends and/or family members.²⁵

Effects of Flavor Bans

Flavor bans have had little effect on reducing youth e-cigarette use and may lead to increased combustible cigarette rates, as evidenced in San Francisco, California.²⁶

In April 2018, a ban on the sale of flavored e-cigarettes and vapor products went into effect in San Francisco. And, in January 2020, the city implemented a full ban on any electronic vapor product. Unfortunately, these measures have failed to lower youth tobacco and vapor product use.

Data from an analysis of the 2019 Youth Risk Behavior Survey show that 16 percent of San Francisco high school students had used a vapor product on at least one occasion in 2019 – a 125 percent increase from 2017 when 7.1 percent of San Francisco high school students reported using an e-cigarette.²⁷ Daily use more than doubled, from 0.7 percent of high school students in 2017, to 1.9 percent of San Francisco high school students reporting using an e-cigarette or vapor product every day in 2019.

Worse, despite nearly a decade of significant declines, youth use of combustible cigarettes seems to be on the rise in Frisco. In 2009, 35.6 percent of San Francisco high school students reported ever trying combustible cigarettes. This figure continued to decline to 16.7 percent in 2017. In 2019, the declining trend reversed and 18.6 percent of high school students reported ever trying a combustible cigarette. Similarly, current cigarette use increased from 4.7 percent of San Francisco high school students in 2017 to 6.5 percent in 2019.

An April 2020 study in *Addictive Behavior Reports* examined the impact of San Francisco's flavor ban on young adults by surveying a sample of San Francisco residents aged 18 to 34 years.²⁸ Although the ban did have an effect in decreasing vaping rates, the authors noted "a significant increase in cigarette smoking" among participants aged 18 to 24 years old.

Other municipal flavor bans have also had no effect on youth e-cigarette use.²⁹ For example, Santa Clara County, California, banned flavored tobacco products to age-restricted stores in 2014. Despite this, youth e-cigarette use *increased*. In the 2015-16 California Youth Tobacco Survey (CYTS), 7.5 percent of Santa Clara high school students reported current use of e-cigarettes. In the 2017-18 CYTS, this *increased* to 10.7 percent.

Menthol Bans Have Little Effect on Smoking Rates, Lead to Black Markets, Lost Revenue and Will Create Racial Tension

Beyond e-cigarettes, policymakers' fears about the role of menthol and flavorings in cigarettes and cigars are overblown and banning these products will likely lead to black markets.

Data from the National Health Interview Survey (NHIS) finds nearly a third of all American adult smokers smoke menthol cigarettes. In a 2015 NHIS survey, "of the 36.5 million American adult smokers, about 10.7 million reported that they smoked menthol cigarettes," and white menthol smokers "far outnumbered" the black and African American menthol smokers.³⁰

Although lawmakers believe banning menthol cigarettes will deter persons from smoking those, such a ban will likely lead to black markets. A 2012 study featured in the journal *Addiction* found a quarter of menthol smokers surveyed indicated they would find a way to purchase, even illegally, menthol cigarettes should a menthol ban go into place.³¹ Further, there is little evidence that smokers would actually quit under a menthol ban. A 2015 study in *Nicotine & Tobacco Research* found only 28 percent of menthol smokers would give up cigarettes if menthol cigarettes were banned.³²

Moreover, there is no evidence to suggest that menthol cigarettes lead to youth tobacco use. Analysts at the Reason Foundation examined youth tobacco rates and menthol cigarette sales.³³ The authors of the 2020 report found that states "with more menthol cigarette consumption relative to all cigarettes have *lower* rates of child smoking." Indeed, the only "predictive relationship" is between child and adult smoking rates, finding that "states with higher rates of adult use cause higher rates of youth use."

With certainty, a ban on flavored tobacco and vapor products would lead to a loss of revenue without decreasing smoking rates as menthol smokers in Maryland are likely to travel to neighboring states to purchase menthol products. This has been demonstrated in Massachusetts, which banned the sale of flavored tobacco and vapor products, including menthol cigarettes and took effect June 1, 2020.

An analysis by the Tax Foundation found that "Massachusetts' flavor ban has not limited use, just changed where Bay Staters purchase cigarettes."³⁴ The analysis noted that sales of cigarette tax stamps in the Northeast "have stayed remarkably stable," and that "Massachusetts sales plummeted, but only because those sales went elsewhere."

The Tax Foundation's analysis found that sales of cigarettes "skyrocketed" in New Hampshire and Rhode Island – growing 55.8 percent and 56 percent, respectively, between June 2019 and June 2020.

Lawmakers should take note that menthol sales bans will strain minority communities. Although white Americans smoke more menthol cigarettes than black or African Americans, "black smokers [are] 10-11 times more likely to smoke" menthol cigarettes than white smokers.³⁵

Given African Americans' preference for menthol cigarettes, a ban on menthol cigarettes would force police to further scrutinize African Americans and likely lead to unintended consequences.

A 2015 analysis from the National Research Council examined characteristics in the illicit tobacco market.³⁶ The researchers found that although lower income persons were less likely to travel to purchase lower-taxed cigarettes, "having a higher share of non-white households was associated with a lower probability of finding a local tax stamp" and "neighborhoods with higher proportions of minorities are more likely to have formal or informal networks that allow circumvention of the cigarette taxes."

Lawmakers in Maryland should reexamine the case of Eric Garner, a man killed in 2014 while being arrested for selling single cigarettes in the city. In a 2019 letter to the New York City council, Garner's mother, as well as Trayvon Martin's mother, implored officials to "pay very close attention to the unintended consequences of a ban on menthol cigarettes and what it would mean for communities of color."³⁷ Both mothers noted that a menthol ban would "create a whole new market for loosies and re-introduce another version of stop and frisk in black, financially challenged communities."

Tobacco Economics 101: Maryland

In 2019, 16.6 percent of adults in Maryland smoked tobacco cigarettes, amounting to 781,791 smokers in 2019.³⁸ When figuring a pack-per-day, over 5.7 billion cigarettes were smoked in 2019 by Marylanders, or about 15.6 million per day.³⁹

In 2019, Maryland imposed a \$2.00 excise tax on a pack of cigarettes.⁴⁰ In 2019, Maryland collected \$570.7 million in cigarette excise taxes, when figuring for a pack-a-day habit. This amounts to \$730 per smoker per year.

Maryland spent \$10.5 million on tobacco control programs in 2019, or \$13.43 per smoker per year. This is only 33 percent of what the state received in excise taxes in 2019 from Maryland adult smokers, based off a pack-a-day habit. When figuring amount spent on youth in the state, Maryland spent \$7.87 per year for each resident under 18 years of age.

Vapor Economics 101: Maryland

Electronic cigarettes and vapor products are not only a harm reduction tool for hundreds of thousands of smokers in the Old Line State, they're also an economic boon.

According to the Vapor Technology Association, in 2018, the industry created 1,243 direct vaping-related jobs, including manufacturing, retail, and wholesale jobs in Maryland, which generated \$54 million in wages alone.⁴¹ Moreover, the industry has created hundreds of secondary jobs in the Old Line State, bringing the total economic impact in 2018 to \$389,390,600. In the same year, Maryland received more than \$31 million in state taxes

attributable to the vaping industry. The substitution of e-cigarettes for combustible cigarettes could also save the state in healthcare costs.

According to the Centers for Disease Control and Prevention (CDC), it is now well known that Medicaid recipients smoke at rates of twice the average of privately insured persons. In 2013, “smoking-related diseases cost Medicaid programs an average of \$833 million per state.”⁴²

A 2015 policy analysis by State Budget Solutions examined electronic cigarettes’ effect on Medicaid spending. The author estimated Medicaid savings could have amounted to \$48 billion in 2012 if e-cigarettes had been adopted in place of combustible tobacco cigarettes by all Medicaid recipients who currently consume these products.⁴³

A 2017 study by the R Street Institute examined the financial impact to Medicaid costs that would occur should a large number of current Medicaid recipients switch from combustible cigarettes to e-cigarettes or vaping devices. The author used a sample size of “1% of smokers [within] demographic groups permanently” switching. In this analysis, the author estimates Medicaid savings “will be approximately \$2.8 billion per 1 percent of enrollees,” over the next 25 years.⁴⁴

Wasted Tobacco Dollars

Deeply problematic with the proposed legislation is the fact that Maryland spends very little on tobacco control, including education and prevention.

Between 2000 and 2020, Maryland received an estimated \$3.018 billion in payments attributed to the Master Settlement Agreement (MSA).⁴⁵ During the same time period, the Old Line State allocated only \$286.5 million toward tobacco control programs – or about 9 percent of what the state received in MSA payments during the period.⁴⁶ These figures do not include the state’s excise tax on cigarettes – which, in fiscal year 2020, Maryland collected over \$319 million in cigarette tax stamps, “a 1.1% increase from fiscal year 2019.”⁴⁷ Indeed, Maryland tobacco control spending over 20 years is only 89.8 percent of what the state received in cigarette tax stamps in 2020.

Conclusion & Policy Recommendations:

It is disingenuous that lawmakers would purport to protect public health yet restrict access to safer products. Rather than restricting access to tobacco harm reduction products and flavored tobacco products, lawmakers should encourage the use of e-cigarettes and work towards earmarking adequate funding for smoking education and prevention programs.

- To address youth use of age-restricted products, as well as adult use of deadly combustible cigarettes, Maryland must allocate additional funding from revenue generated from existing excise taxes and settlement payments. Maryland woefully underfunds such programs.

- Maryland’s education and health departments must work with tobacco and vapor product retailers to ensure there are no sales of age-restricted products to minors. Any solution to address such strategies must include all actors – not only proponents of draconian prohibitionist policies.
- Lawmakers’ must face the reality of a larger illicit market in the wake of a ban on flavored tobacco and vapor products – prohibition does not automatically translate into reduced use, just different markets.

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⁴ Mohammadhassan Mirbolouk, MD et al., “Prevalence and Distribution of E-Cigarette Use Among U.S. Adults: Behavioral Risk Factor Surveillance System, 2016,” *Annals of Internal Medicine*, October 2, 2018, <https://www.acpjournals.org/doi/10.7326/M17-3440>.

⁵ Consumer Advocates for Smoke-Free Alternatives Association, “A Historical Timeline of Electronic Cigarettes,” n.d., <http://casaa.org/historicaltimeline-of-electronic-cigarettes>.

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¹² David T. Levy et al., “Potential deaths averted in USA by replacing cigarettes with e-cigarettes,” *Tobacco Control*, October 2, 2017, <http://tobaccocontrol.bmj.com/content/early/2017/08/30/tobaccocontrol-2017-053759.info>.

¹³ Centers for Disease Control and Prevention, “Maryland 2019 Results,” *High School Youth Risk Behavior Survey*, 2019, <https://nccd.cdc.gov/youthonline/App/Results.aspx?LID=MD>.

¹⁴ Centers for Disease Control and Prevention, “United States 2019 Results,” *High School Youth Risk Behavior Survey*, 2019, <https://nccd.cdc.gov/youthonline/App/Results.aspx?LID=XX>.

¹⁵ Maryland Department of Public Health, “Maryland High School Survey Detail Tables – Weighted Data,” 2018 *Youth Risk Behavior Survey*, 2018, <https://phpa.health.maryland.gov/ccdpc/Reports/Documents/2018%20YRBS%20YTS%20Reports/Maryland/2018MDH%20Detail%20Tables.pdf>.

¹⁶ Centers for Disease Control and Prevention, *supra* note 13.

¹⁷ Connecticut Department of Public Health, “Connecticut Youth Tobacco Survey Results 2017 Surveillance Report,” 2017, <https://portal.ct.gov/-/media/Departments-and-Agencies/DPH/dph/hems/tobacco/PDF/2017-CT-Youth-Tobacco-Survey-Results.pdf?la=en>.

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- ³⁶ National Research Council, “Understanding the U.S. Illicit Tobacco Market: Characteristics, Policy Context and Lessons from International Experiences,” *The National Academies Press*, 2015, <https://www.nap.edu/download/19016>.

³⁷ Carl Campanile, “Menthol cig ban will lead to more stop-and-frisk: Moms of Garner, Martin,” *New York Post*, October 16, 2019, <https://nypost.com/2019/10/16/menthol-cig-ban-will-lead-to-more-stop-and-frisk-moms-of-garner-martin/>.

³⁸ “BRFSS Prevalence & Trends Data,” Centers for Disease Control and Prevention, 2019, <https://www.cdc.gov/brfss/brfssprevalence/>.

³⁹ “Quick Facts,” United States Census Bureau, 2020, <https://www.census.gov/quickfacts/MD>.

⁴⁰ Maryland, Tobacco Harm Reduction 101, <https://www.thr101.org/maryland>.

⁴¹ Vapor Technology Association, “The Economic Impact of the Vapor Industry MARYLAND,” 2019, <https://vta.guerrillaeconomics.net/reports/d87faa01-f87e-4155-86dc-b1de384fb662?>.

⁴² American Lung Foundation, “Approaches to Promoting Medicaid Tobacco Cessation Coverage: Promising Practices and Lessons Learned,” June 9, 2016, <https://web.archive.org/web/20170623183710/https://www.lung.org/assets/documents/advocacy-archive/promoting-medicaid-tobacco-cessation.pdf>. Accessed June 23, 2017.

⁴³ J. Scott Moody, “E-Cigarettes Poised to Save Medicaid Billions,” State Budget Solutions, March 31, 2015, https://www.heartland.org/template-assets/documents/publications/20150331_sbsmediadecigarettes033115.pdf.

⁴⁴ Edward Anselm, “Tobacco Harm Reduction Potential for ‘Heat Not Burn,’” R Street Institute, February 2017, <https://www.rstreet.org/wp-content/uploads/2017/02/85>.

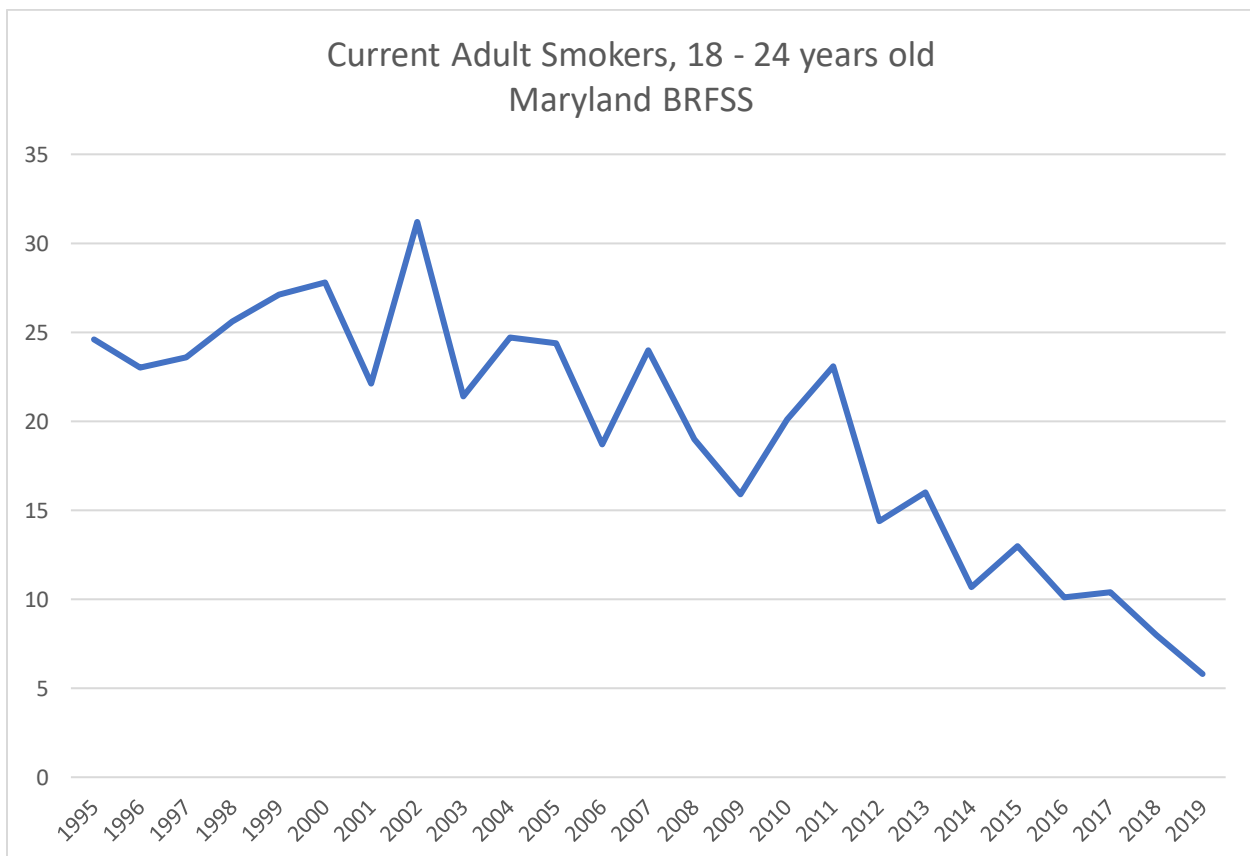
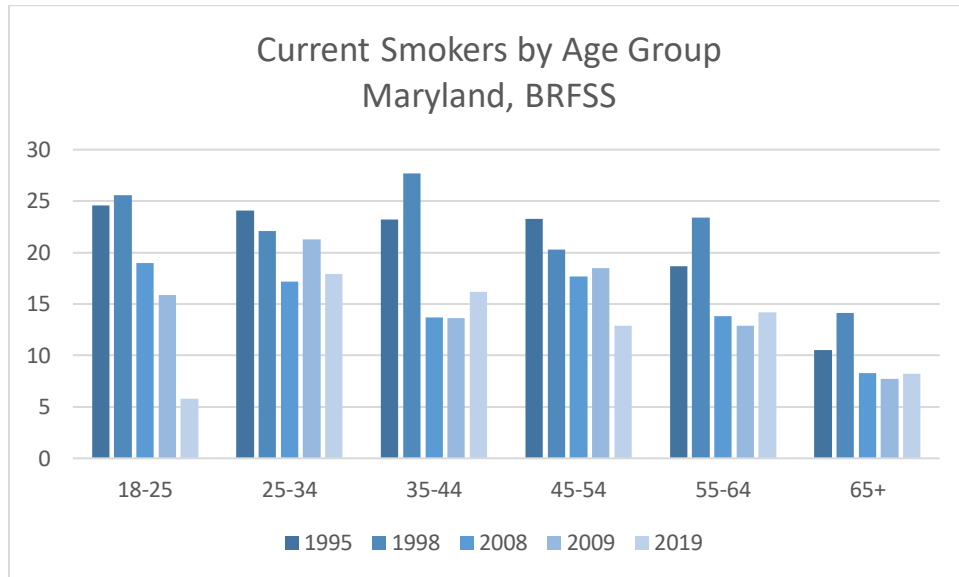
⁴⁵ Campaign for Tobacco-Free Kids, “Actual Annual Tobacco Settlement Payments Received by the States, 1998-2020,” 2020, <https://www.tobaccofreekids.org/assets/factsheets/0365.pdf>.

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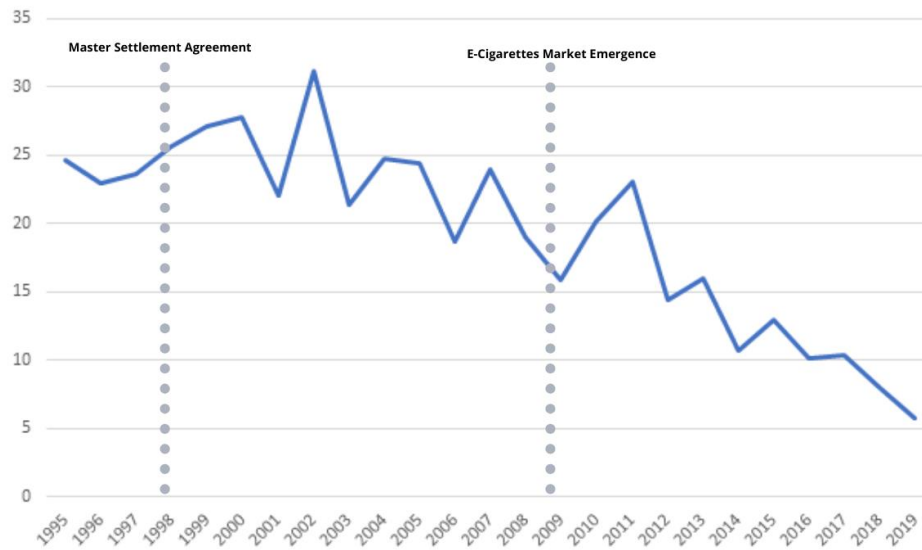
⁴⁷ Comptroller of Maryland, “Alcohol & Tobacco Tax Annual Report Fiscal Year 2020,” 2020, <https://www.marylandtaxes.gov/reports/static-files/revenue/alcoholtobacco/annual/AnnualReportFY2020.pdf>.

Supplemental Information

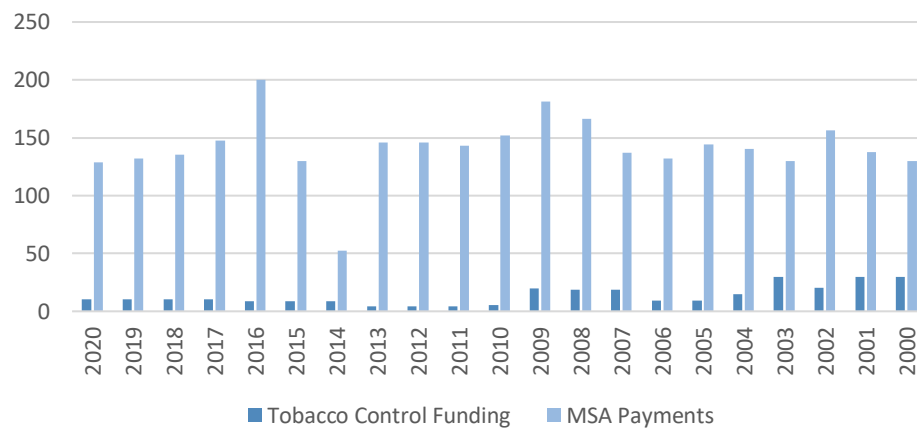
Maryland Adult Cigarette Smokers



Current Adult Smokers, 18 - 24 years old
Maryland BRFSS

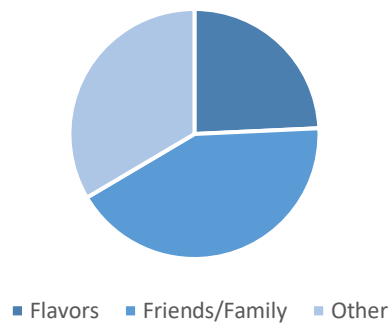


Maryland
Tobacco Control Funding & MSA Payments

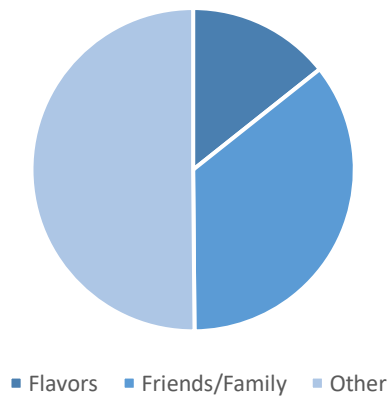


Youth E-Cigarette Use, Youth Risk Behavior Surveys, 2017 – 2019

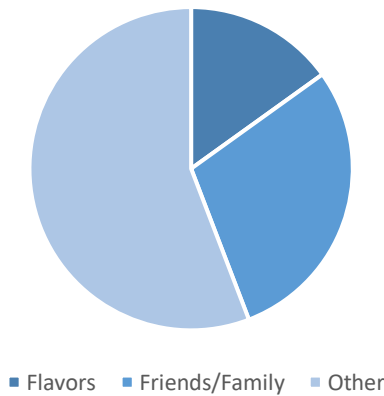
Reasons for E-Cigarette Use
Connecticut High School Students,
Current E-Cigarette Users, 2017



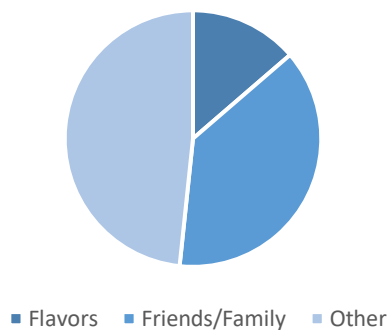
Reasons for E-Cigarette Use
Connecticut High School Students, 2019



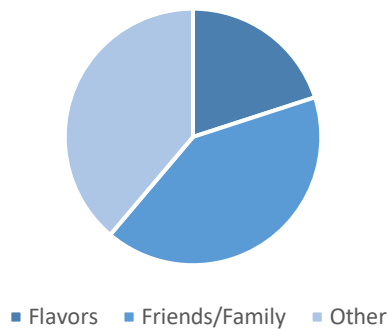
Reasons for E-Cigarette Use Montana High School Students, 2019



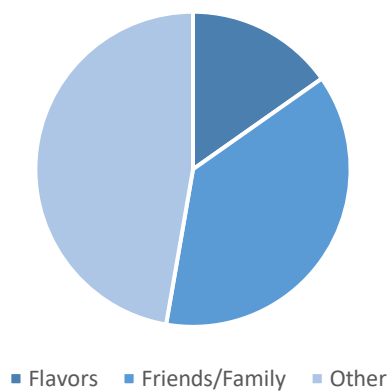
Reasons for E-Cigarette Use Rhode Island High School Students, 2019



Reasons for E-Cigarette Use
Vermont High School Students,
Current E-Cigarette Users, 2017



Reasons for E-Cigarette Use
Virginia High School Students, 2019



testimony annapolis.pdf

Uploaded by: Vaughan, Kellie

Position: UNF

My name is Kellie Vaughan. I have been a citizen of Baltimore City for 36 years.

I am against the regulation of menthol cigarettes.

Although Menthol cigarettes have bad health risks, for those who are trying to recover from drug addiction (cocaine, meth, etc.) it has been proven that the sensation of menthol cigarettes aid in the recovery process.

Also, if this is approved, it would mean that law enforcement officers would have more reasons to approach persons who may not be committing a crime. How will officers differentiate between menthol cigarettes and non-menthol cigarettes?

For these reasons, I oppose the regulation.

RonWardMDSB177WrittenTestimony012821.pdf

Uploaded by: Ward, Ronald

Position: UNF

Ronald A. Ward Jr., Esq.
Owner
The Vapers' Edge
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443-725-5251 (work)
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Written Testimony

To: Maryland Senate Finance Committee
From: Ronald A. Ward Jr., Esq.
Date: January 28, 2021
Re: Maryland Senate Bill 177

I. Introduction

My name is Ronald Ward and I am a life-long resident of Maryland. I have been a vaper for over 10 years, a smoke free alternatives activist for over a decade and have owned and operated an electronic cigarette store in Baltimore County, MD for the past 7 years.

Senate Bill 177, as written, shows a lack of knowledge of the products it intends to regulate, namely Electronic Smoking Devices (hereinafter “ESDs”) and contains a highly subjective, overly broad definition of “Flavored Tobacco Product”. Most importantly, it attaches criminal penalties to an extremely vague definition. For these reasons, SB 177 will enact a vague product standard that will complicate compliance for retailers and will be inevitably ripe for unfair enforcement standards. As a possibly unintended consequence of its language, it will only allow for unflavored ESD liquid which will destroy the grassroots, mom and pop vaping industry in Maryland. SB 177 will also force former smokers back to the big tobacco companies or the black market. I respectfully urge this Committee to issue an unfavorable report for Senate Bill 177, or, in the alternative, create and exemption for licensed Vape Shops.

II. Proposed Legislation

The definition of “Flavored Tobacco Product,” on Page 2, lines 13 to 20, and elsewhere in the bill, would constitute a prohibition of ALL flavored ESD liquid, including tobacco flavors. More importantly, the definition is highly vague in that it is defined as “a taste or smell, other than that of tobacco, that is distinguishable by an ordinary consumer either before or during the consumption process”. This definition is repeated multiple times in SB 177 without a definition of the senses of taste and smell of the “ordinary consumer”. Most egregiously, on page 13, lines 20-23, SB 177 imposes criminal penalties against anyone who sells any flavored tobacco product with each day constituting a separate offense.

The Bill goes even further on page 18, line 20 to page 19, line 3 where it creates the presumption that a tobacco product is flavored based simply upon a public statement that the flavor produces a taste or smell other than tobacco. As stated previously, this presumption shows a fundamental misunderstanding of the industry. Cigarettes contain flavors other than tobacco without publicly disclosing the fact, whereas, U.S. ESD liquid companies have always been transparent and detailed with the descriptions of their products. Note that no ESD liquid product currently on the market can claim a one-to-one flavor experience with combustible tobacco. Much like cigarettes, ALL tobacco flavored ESD liquids have other flavors (other than mint and menthol) added to the harsh and unpalatable untreated tobacco leaf flavor. Senate Bill 177 would prohibit ALL flavored ESD liquids, including tobacco-based flavors. The language of this bill would leave only completely unflavored ESD liquid on the market in Maryland.

Additionally, The Food and Drug Administration (FDA) is already taking action on this matter. Rather than claim this regulatory authority, the legislature would better serve Maryland citizens by deferring to the more deliberative FDA in this matter.

III. Importance of legitimate access to flavors for adult ESD users

ESD products do not rely on combustion of leaf tobacco to work. Instead, a liquid solution is aerosolized by a heating element which makes the flavor experience, in both liquid and vapor form, remarkably different from that of the taste and smell of combustible tobacco products (before and after the actual burning of the product). This allows many adults to transition away from the deadly habit of smoking tobacco.

If all flavors were prohibited in the State of Maryland, the consequences could be severe to the health of these former adult smokers. Also, many people who vape report that tobacco flavored ESD liquids can act as a relapse trigger and, therefore, wish to vape flavors other than tobacco, including fruits and menthol. Flavors are the reason why ESD liquids work to help adult smokers switch from smoking traditional cigarettes. Most vapers find tobacco flavors unappealing. Specialized Vape Shops like my business rely heavily on the sale of flavored ESD liquid and, if Maryland consumers are unable to purchase flavored ESD liquid from reputable, licensed retail establishments, they will inevitably turn to the black market or attempt to manufacture their own liquid by buying the components online. Even worse, many will revert to smoking tobacco. This would only worsen the situation in that would allow for more youth access, youth smoking and may create even more ESD liquid safety concerns.

But, if this committee intends to move forward with a favorable report for Senate Bill 177, I urge you to amend the bill to include an exemption for adult-only specialty tobacco and vapor retailers. Vape shops, such as mine, act as the true “gatekeepers” against youth use. The proof is in the numbers. According to the FDA Compliance Check Inspection of Tobacco Product Retailers (through November 30, 2019), out of 222 violations, not a single vape shop

was cited for selling vapor products to underage consumers. Vape shops only sell ESD products and provide expert instruction and technical support to adults over the age of 21 who are transitioning from cigarettes. Due to these facts, vape shop owners take youth usage very seriously and are acting as a vital part of the solution. We must also consider whether the recent Tobacco 21 laws are effective before we take these drastic measures that basically constitute prohibition.

It is also relevant that this Committee has contemplated banning the indoor use of ESDs since 2010 and has declined to issue any favorable reports. Now, in the current climate, this Committee is contemplating whether to destroy the entire industry. That is quite a leap. We are, also, like most other small businesses, struggling during these unprecedented times.

V. Conclusion

I recommend that the Senate Finance Committee issue an unfavorable report for Senate Bill 177. In the alternative, I request that the State allow an exemption for licensed Vape Shops in Maryland whose products are only accessible to adults over the age of 21. Thank you for considering my comments and please contact me with any questions or concerns. I will contact your staff to bring your attention to my written testimony and express my desire to discuss this issue.

SB177 Written Testimony Scott Webber VAPE Society.

Uploaded by: Webber, Scott

Position: UNF

VAPING AWARENESS PUBLIC EDUCATION SOCIETY

SPEARHEADING THE FIGHT TO BREAK CIGARETTE ADDICTION



WWW.VAPESOCIETY.ORG

Scott Webber

Scott@VAPESociety.org

Written Testimony Regarding

SENATE BILL 177

IN OPPOSITION

WRITTEN ORAL TESTIMONY

SUPPORTING EXHIBITS

1. Adult Choice Options
2. Total Drug and Intoxication Deaths in Maryland Over Time [Zero from vaping]
3. Drug and Intoxication Deaths in Maryland by substance [Zero from vaping]
4. CDC Maryland Tobacco Fact Sheet [Zero negative elements from vaping]

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Written Testimony Regarding

SENATE BILL 177

IN OPPOSITION

WRITTEN ORAL TESTIMONY

Esteemed members of the Senate Finance Committee, and online guests...

My name is Scott Webber and I am the founder of the Vaping Awareness Public Education Society, a non-profit public health research organization dedicated to reducing cigarette smoking and the resultant cost in both dollars and lives.

I come before you today in vehement opposition to SB177 because I don't think you should pass bills that are going to lead to the death of thousands of Marylanders.

The VAPE Society asks you -- implores you -- to use science, data, facts, and reason in your legislation. When anti-vaping legislation -- such as SB177 -- makes less scientific sense than the former president's COVID science... we have a problem with that, because we believe in truth.

Let's start with some basics:

It is a simple truth that smoking remains that #1 cause of preventable death. Every year, almost a half a million people die in the US from smoking and smoking-related illness. In Maryland, that number is about 7500 deaths annually.

To put this into perspective, this is more than all COVID deaths, and 3 ½ times the number of deaths from opioids.

The number of deaths from vaping? The truth is not one single person – Statewide, Nationwide, or Worldwide has died from regular vaping – EVER.

It is also true that vaping is the most effective technology ever developed to get smokers to reduce or quit smoking.

It is also an undeniable truth that with the increase in vaping, there has been a dramatic DECREASE in smoking, for both adults, AND youth.

The absurd and illogical idea that flavor bans for adult vaping are necessary in order “To protect the kids” has no basis in truth, fact, or reality, and would be as wise and effective as flavor bans on alcohol. The logic and wisdom are the same. If the only alcohol adults could legally purchase at a bar was Everclear – pure UNflavored alcohol – then fewer kids would drink and fewer kids would die. Right? NO!! That’s crazy!

But a flavor ban is not only nonsensical, it would be deadly.

The number of vapers who use flavored vaping liquid is 90-99%.

The number of vape shops that sell flavored vaping liquid is 100%.

No vape shop in Maryland can survive selling only tobacco flavored liquid, so this bill will effectively shut down 100% of all vape shops in the State.

While this is the unspoken goal of many who support such legislation, the unintended consequences are serious.

When faced with total flavor bans, vapers end up either buying bootleg flavors... mixing their own recipes... or returning to smoking.

Bootleg, blackmarket, and mix-your-own products are risky at best, and deadly at worst. Smoking is the #1 cause of preventable death.

Passing SB177 will be credited for one of these outcomes, leading to thousands of deaths.

Alternatively, you could pass smart legislation that would successfully migrate 100% of smokers to vaping, and save thousands of lives.

Flavors are NOT the problem, and a BAN on flavors, is not the solution. I strongly request that the Committee issue an **UNFAVORABLE** report on SB177.

Most Sincerely,

~Scott Webber

SB177 Vaping Flavor Ban Hearing Jan 28, 2021

Chair Kelly and fellow members of the Senate Finance Committee:

My name is Scott Webber, proud MD citizen since 1986, currently living in Bethesda, Mont. County.

I am the Founder, along with my son, of the Vaping Awareness Public Education [V.A.P.E.] Society, a Non- Profit health policy research and political advocacy organization formed to address the scourge of smoking, focused on the benefits - and risks - of vaping.

On the topic of vaping, I do consider myself an expert. I likely know as much about vaping as anybody in the entire State. I tell you this, not to brag, but rather, to simply convey that I know what I am talking about because I have done my homework.

Accordingly, I can comfortably say SB177 will have VERY bad outcomes for the State and its citizens, both from a public health perspective, and certainly from a fiscal perspective. It is based on extremely bad science, is facially dishonest, will result in the closing of many dozens of small businesses, actually reducing State revenues by the multiple tens of millions of dollars, while simply moving vaping sales out-of-state, to the Internet, or most likely, to the black market.

This afternoon, I would like to impress upon you the absurdity of SB177 from the perspective of NON-vaper, but concerned father, and public health advocate and realist.

Teen Vaping is a lot like Teen Sex

Teen Vaping is a lot like Teen Drinking

What do they have in common? Teens should NOT be engaging in such activity... but they are. ... anyone who denies this basic truth is simply denying reality.

One way to deal with risky teenage behavior is to simply ignore it – that's not responsible.

Another approach is to just make stuff up, lie, distort facts, and try to impart as much fear and confusion into the general public as possible, figuring the ends justify the means. This is the tactic of the likes of Stanton Glantz, Tobacco Free Kids, and similar entities that are willing to spout out and perpetuate any distortion or outright falsehood in their overzealous quest to wipe out vaping as an alternative to smoking.

A third approach is to stick to logic, reason, statistics, and facts, because here, truth matters. Let me share a few common-sense facts about vaping:

By the laws of fundamental physics, Vaping is NOT smoking. They are entirely separate and distinct products, and to treat them with parity – as equals – is both dishonest and just wrong.

Vaping is indeed 95-99% safer than smoking because there is no combustion.

There is NO such thing as a ‘naturally flavored’ vaping liquid. So called ‘Tobacco Flavored’ flavors are flavors with very sophisticated flavor profiles.

Adults like flavors just as much as teens, because they are both human beings with identical taste buds.

Banning all vaping ‘flavors’ for adults, because teens like flavors, makes as much sense as banning all ‘flavors’ of alcohol “because teens have been shown to likewise enjoy flavors.”

And the solution is just as logical -- Ban ALL flavored alcohol, and leave the entire alcoholic beverage field to EveryClear. Because teens have been proven to prefer flavored alcohol, the entire teen drinking problem will simply disappear in the absence of flavors... Right?

The same logic applies to teen sex. Teenage pregnancy, including death, and sexually transmitted diseases are a serious problem. Following the same SB177 logic, if the State harshly taxes, overregulates, or simply bans all candy-colored condoms, and flavored lubricants, teens will simply stop having sex and the problems will disappear.

To anybody who actually understands vaping, SB177 is every bit as absurd. But if you REALLY understand vaping, you realize how dangerous and expensive legislation such as SB177 truly is, to the point of being deadly.

I would lastly point out per the Fiscal Note attached to last year's mirror bill [the fiscal note is not yet available by submission closing time for this year], that this ill-conceived flavor ban was projected to COST MD taxpayers between \$70 and \$184 MILLION PER YEAR in lost SALES TAX alone! Over the next decade, a flavor ban is likely to cost the State from \$700 Million to nearly \$2 BILLION.

But the actual cost over the next decade is going to be MUCH greater, because a flavor ban will wipe out almost all of the independent vape shops, eliminating many hundreds of millions of dollars in income taxes, employment taxes, real estate revenues, and all other associated revenues for about 200 businesses that will be destroyed as the result of a flavor ban on vaping products.

SB177 is a VERY destructive piece of legislation that will NOT achieve its intended outcome, will create a very dangerous black market, and will cost the State of Maryland BILLIONS of dollars that could otherwise be spent on other priority budget items, such as funding for the Kirwan Commission Blueprint, and the resultant return to combustible cigarettes would unquestionably lead to thousands of unnecessary deaths that could have been avoided by wisely steering smokers into vaping, and yes, by virtue of finding a pleasing, alluring flavor that keeps them from ever wanting to go back to tobacco.

Flavors are NOT the problem, and a BAN on flavors, is not the solution.

I strongly request that the Committee issue an **UNFAVORABLE** report on SB177.

Most Sincerely,

~Scott Webber

Banning Candy Colored Condoms will NOT Prevent Teens From Engaging In Teen Sex



But It Will Eliminate
Adult Choice

Banning Flavored Personal Lubricants will NOT Prevent Teens From Engaging In Teen Sex



But It Will Eliminate
Adult Choice

Banning Flavored Alcohol will NOT Prevent Teens From Engaging In Teen Drinking



But It Will Eliminate Adult Choice

Banning Flavored Vape Liquid will NOT Prevent Teens From Engaging In Teen Vaping



But It Will Eliminate
Adult Choice



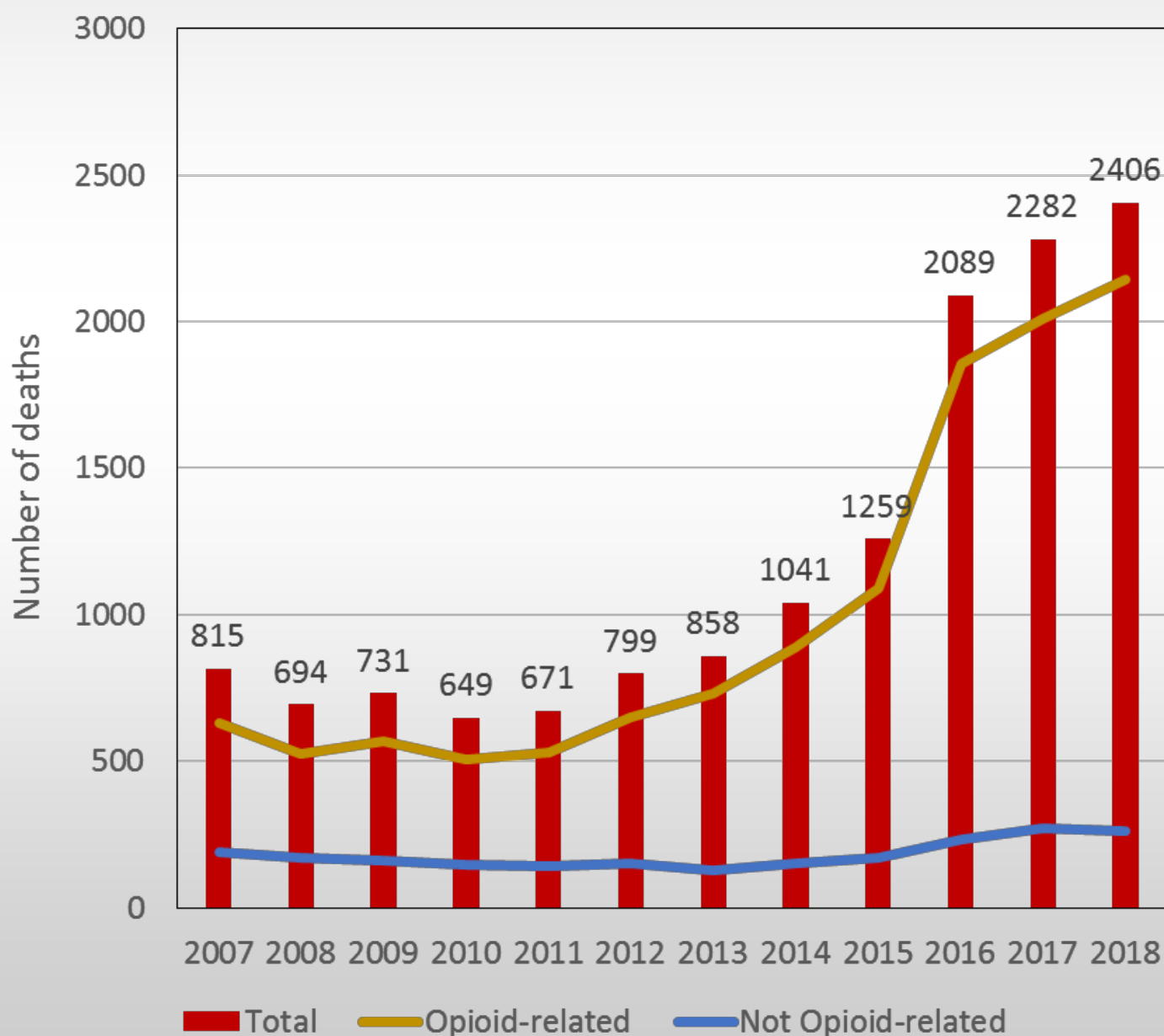
Maryland Department of Health

Larry Hogan, Governor – Boyd Rutherford, Lt. Governor – Robert R. Neall, Secretary

CHANGING
Maryland
for the *Better*

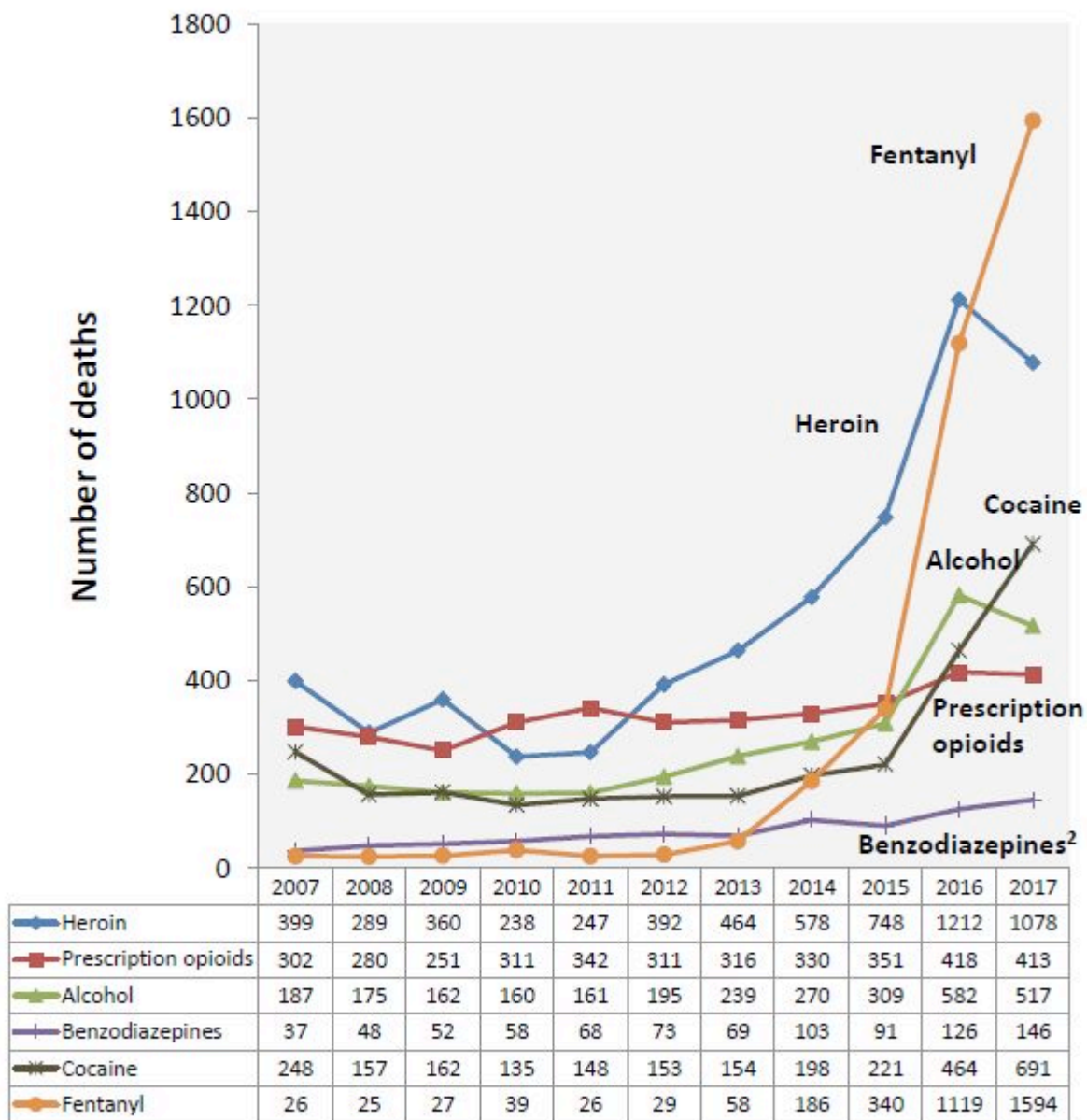
May 2019

Unintentional Drug- and Alcohol-Related Intoxication Deaths in Maryland, 2018



Deaths Attributed To Vaping 2007-2017 = Zero [0]

Figure 5. Total Number of Drug- and Alcohol-Related Intoxication Deaths by Selected Substances¹, Maryland, 2007-2017.



¹Since an intoxication death may involve more than one substance, counts of deaths related to specific substances do not sum to the total number of deaths.

²Includes deaths caused by benzodiazepines and related drugs with similar sedative effects.

EXTINGUISHING THE TOBACCO EPIDEMIC *in* MARYLAND

THE PROBLEM

Cigarette smoking remains the leading cause of preventable death and disability in the United States, despite a significant decline in the number of people who smoke. Over 16 million Americans have at least one disease caused by smoking. This amounts to \$170 billion in direct medical costs that could be saved every year if we could prevent youth from starting to smoke and help every person who smokes to quit.



MARYLAND KEY FACTS

\$1.2M

Was received from CDC for tobacco prevention and control activities in FY 2019

In 2017, **21.6%** of Maryland high school **youth** reported currently using **any tobacco product**, including e-cigarettes. Among Maryland high school **youth**, **8.2%** reported currently smoking **cigarettes**.

12.5%

Of adults smoked cigarettes in 2018

7,500

Adults die from smoking-related illnesses each year

\$2.7B

Was spent on healthcare costs due to smoking in 2009

PUBLIC HEALTH RESPONSE TO TOBACCO USE IN MARYLAND

Despite Maryland's success in lowering youth tobacco use rates, the state program found that many Maryland retailers were illegally selling tobacco to kids at increasing rates. In 2014, just 37% of Maryland youth reported being asked to provide photo ID to purchase cigarettes, and nearly 70% of youth smokers reported being able to purchase cigarettes directly or by proxy. In response, the program launched the Responsible Tobacco Retailer Initiative, which educated retailers, increased the enforcement of youth access laws, and improved partnerships between state, local, public and private entities, including retailers. This concerted effort proved to be successful – illegal tobacco sales to minors declined by 56% from 2014 to 2015. Due to this positive outcome, Maryland continues to implement the Responsible Tobacco Retailer Initiative, sustaining effective programs and partnerships. State compliance inspections from 2016 show the violation rate has declined even further – less than 11% of retailers are selling tobacco to minors, a 65% reduction from 2014.

PAGE LAST UPDATED: 2/14/2020



U.S. Department of
Health and Human Services
Centers for Disease
Control and Prevention

www.cdc.gov/tobacco

Print Only

CDC's ROLE IN ADVANCING STATE TOBACCO CONTROL PROGRAMS

Maryland is one of 50 states plus DC that receives funding and technical support from the Centers for Disease Control and Prevention to support comprehensive tobacco control efforts and quitlines. The Office on Smoking and Health (OSH) is the lead federal agency for comprehensive tobacco prevention and control. For decades, OSH has led public health efforts to prevent young people from using tobacco and to help all tobacco users to quit.

CDC's *TIPS FROM FORMER SMOKERS® (Tips®)* CAMPAIGN HELPS MARYLAND SMOKERS QUIT SMOKING



Despite significant progress, tobacco use remains the leading preventable cause of death and disease in the US. The good news is that 7 out of 10 smokers want to quit smoking. That is why since 2012 CDC has been educating the public about the consequences of smoking and exposure to secondhand smoke and encouraging smokers to quit through a federally funded, national tobacco education campaign, *Tips From Former Smokers®*. The campaign features former smokers suffering from the real consequences of smoking.

The *Tips®* campaign connects smokers with resources to help them quit, including a quitline number (1-800-QUIT-NOW) which routes callers to their state quitline. The Maryland quitline provides free cessation services, including counseling and medication. These services are effective in improving health outcomes and reducing healthcare costs.

"I was thinking about relapsing today and the new commercials came on. It changed my mind real fast. You don't understand the power of these commercials until you have made the decision to quit. Terrie Hall makes me cry every time . . . that could easily be me."

– Justin: January 2016

Incoming calls to the Maryland state quitline increased by an average **50%** during the 2019 *Tips®* campaign. The Maryland state quitline received a total of **13,546** calls from April 23rd – October 8th during the 2019 *Tips®* campaign.

MARYLAND TOBACCO PREVENTION & CONTROL PROGRAMS REDUCE HEALTHCARE COSTS

Tobacco prevention and control activities are a public health "best buy." Evidence-based, statewide tobacco control programs that are comprehensive, sustained, and accountable have been shown to reduce the number of people who smoke, as well as tobacco-related diseases and deaths. For every dollar spent on tobacco prevention, states can reduce tobacco-related health care expenditures and hospitalizations by up to \$55. The longer and more states invest, the larger the reductions in youth and adult smoking. A comprehensive statewide tobacco control program includes efforts to:



1 Prevent initiation of tobacco use especially among youth and young adults



2 Promote cessation and assist tobacco users to quit



3 Protect people from secondhand smoke

For more information on tobacco prevention and control, visit cdc.gov/tobacco.

PAGE LAST UPDATED: 2/14/2020



U.S. Department of
Health and Human Services
Centers for Disease
Control and Prevention

www.cdc.gov/tobacco

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MARYLAND

3a- FIN-SB 177-Flavored Tobacco Producte- Prohibit

Uploaded by: Bennardi, Maryland Department of Health /Office of Governmen

Position: INFO



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

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

² 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>.

³ 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>.

⁴ 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/>.

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

⁶ 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/>.

⁷ 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, Emily.berg@maryland.gov.

Sincerely,



Webster Ye
Assistant Secretary, Health Policy

Reason Foundation Testimony_ Senate Bill 177.pdf

Uploaded by: Bentley, Guy

Position: INFO

Maryland Senate Finance Committee
Testimony: Senate Bill 177
Guy Bentley, director of consumer freedom
Reason Foundation
January 26, 2021

Chair Kelley, members of the committee, thank you for allowing me the opportunity to submit testimony on Senate Bill 177.

My name is Guy Bentley, and I'm the director of consumer freedom at the Reason Foundation, a 501(c)3 nonprofit think tank. The consumer freedom project analyzes and promotes policy solutions that improve public health while avoiding unintended consequences and protecting consumer choice.

The intention behind SB 177 to reduce tobacco use, especially among youth, is to be applauded. However, the evidence for the success of such prohibitions should give rise to significant concern that the ban will promote further inequalities in the criminal justice system, push revenue to other states, increase the illicit tobacco trade, and fail to improve public health.

Case study: Massachusetts

Massachusetts's ban on flavored tobacco products came into effect in June last year. From June-November 2020, Massachusetts' cigarette excise tax stamp sales fell 24 percent.¹ Unfortunately, sales in Rhode Island and New Hampshire rose 18 and 29.7 percent, respectively, compared to the same period in 2019. Massachusetts lost \$62 million in cigarette excise tax revenue while Rhode Island and New Hampshire gained \$14 and \$28.5 million, respectively. These figures underestimate the total losses because they do not account for lost sales of flavored e-cigarettes, smokeless tobacco, or cigars. Total cigarette sales increased in New Hampshire by 46 percent, and menthol sales rose by 90 percent. Total cigarette sales in Rhode Island rose 20 percent, and menthol cigarette sales climbed by 29 percent.

¹ CS News. "NECSEMA Speaks Out on Massachusetts' 'Increasingly Absurd' Flavored Tobacco Ban." <https://csnews.com/necsema-speaks-out-massachusetts-increasingly-absurd-flavored-tobacco-ban>

According to the Tax Foundation,² the prohibition could cost Massachusetts a total of \$120 million in the 2020–2021 fiscal year. Combining the increased sales of non-flavored cigarette sales in Massachusetts, which amounts to 15 percent, with the rising cigarette sales in Rhode Island and New Hampshire, cigarette sales are up overall since the prohibition came into effect. Maryland already suffers a significant trade in illicit tobacco products, with around one in ten cigarettes being the result of evasion or avoidance.³ A prohibition of flavored tobacco products would significantly add to this number.

Public Health and Disparate Impacts

Advocates for the prohibition of menthol cigarettes correctly observe a disproportionate number of Black smokers choose a menthol product, with around 85 percent using menthol. It's hoped the ban will dramatically reduce the Black smoking rate. While Black smokers are more likely to use a menthol product and White smokers use a non-menthol product, smoking prevalence is, in fact, lower among Black youth and adults.

In 2019, the latest year for which we have data, Maryland's White adult smoking rate was 14.1 percent.⁴ The Black smoking rate was 12.6 percent. As for youth for whom SB 177 is primarily targeted, Maryland mirrors the national picture. Maryland's Black youth are less likely to smoke than their White peers, at 3.3 percent and 5.4 percent, respectively.⁵ These data conformed to Reason Foundation's work last year, showing

² Ulrik Boesen. "Massachusetts Flavored Tobacco Ban Has Severe Impact on Tax Revenue."
<https://taxfoundation.org/massachusetts-flavored-tobacco-ban/>

³ Michael LaFaive and Todd Nesbit. "A cigarette tax hike in Maryland would increase smuggling."
<https://www.washingtonpost.com/opinions/2021/01/14/cigarette-tax-hike-maryland-would-increase-smuggling/>

⁴ Centers for Disease Control and Prevention. "BRFSS Prevalence and Trends Data."
https://nccd.cdc.gov/BRFSSPrevalence/rdPage.aspx?rdReport=DPH_BRFSS.ExploreByLocation&rdProcessAction=&SaveFileGenerated=1&irbLocationType=States&isLocation=24&isState=&isCounty=&isClass=CLASS17&isTopic=TOPIC15&isYear=2019&hidLocationType=States&hidLocation=24&hidClass=CLASS17&hidTopic=TOPIC15&hidTopicName=Current+Smoker+Status&hidYear=2019&irbShowFootnotes=Show&rdICL-icIndicators=_RFSMOK3&icIndicators_rdExpandedCollapsedHistory=&icIndicators=_RFSMOK3&hidPreviouslySelectedIndicators=&DashboardColumnCount=2&rdShowElementHistory=&rdScrollX=0&rdScrollY=89&rdRnd=79925

⁵ Centers for Disease Control and Prevention. "High School YRBS: Maryland Results."
<https://www.google.com/url?q=https://nccd.cdc.gov/youthonline/app/Results.aspx?LID%3DMD&sa=D&ust=1611689654329000&usg=AOvVaw3EwJ04BTTJh5S1qVO9JPGe>

that states with higher menthol cigarette distribution rates, such as Maryland, tend to have lower, not higher, youth smoking rates.⁶

In terms of marijuana consumption, which is illegal for recreational use in Maryland, both Black and White youth use at similar rates at 17.9 percent and 18.7 percent respectively. Prohibition has not prevented youth marijuana use but the smoking prevalence of legal products such as cigarettes has been reduced dramatically thanks to public health information campaigns and age of purchase laws. From a public health standpoint, as Black adults and youth smoke at lower rates than Whites, it's hard to ascertain why non-menthol cigarettes, which are equally dangerous, will not be subjected to prohibition and menthol products will be.

Criminal Justice

Because menthol cigarettes are overwhelmingly the choice of Black smokers, this product's prohibition will necessarily lead to a concentration of the illicit tobacco market in the Black community. While the use of such products will not be prohibited by SB 177, effectively enforcing a ban on their sale and trade will entail more interactions between the police and the public. When Congress debated the merits of a tobacco flavor ban last year, the American Civil Liberties Union and other civil rights groups warned prohibition could disproportionately impact people of color, trigger criminal penalties, and prioritize criminalization over public health and harm reduction.⁷

The National Organization of Black Law Enforcement Executives (NOBLE), Grand Council of Guardians (GCGNY), National Association of Black Law Enforcement Officers (NABLEO), and Law Enforcement Action Partnership (LEAP) have argued case that prohibitions of all kinds disproportionately affect communities of color and that in the case of menthol cigarettes it's truer than most.⁸

⁶ Guy Bentley and Jacob Rich. "Does Menthol Cigarette Distribution Affect Child or Adult Cigarette Use?." <https://reason.org/policy-study/does-menthol-cigarette-distribution-affect-child-or-adult-cigarette-use/>

⁷ American Civil Liberties Union. "Coalition Concerns with Blanket Prohibition on Menthol and Other Flavored Tobacco within H.R. 2339, Reversing the Youth Tobacco Epidemic Act." <https://www.aclu.org/letter/coalition-letter-criminal-justice-concerns-hr-2339-reversing-youth-tobacco-epidemic-act>

⁸ Franklin, Neil. "Ban on Menthol Cigarettes Would Have Unintended Consequences." *City Limits*. December 2, 2019.

<https://citylimits.org/2019/12/02/opinion-ban-on-menthol-cigarettes-would-have-unintended-consequences/>

The prohibition of marijuana has disproportionately affected communities' color despite the fact there is no difference in prevalence between Blacks and Whites. With such a disparity in the use of menthol products, despite there being no difference in the overall smoking rate, it's difficult to conclude this pattern will not be repeated. Thank you again for the opportunity to comment on SB 177, and please do not hesitate to reach out if we can provide additional information or insights on this subject.

Guy Bentley, director of consumer freedom
guy.bentley@reason.org

TaxFoundationTestimony1262021.pdf

Uploaded by: Boesen, Ulrik

Position: INFO

Chair Kelly, Vice-Chair Feldman, Members of the Committee,

My name is Ulrik Boesen, and I am a senior policy analyst at the Tax Foundation. We are a nonpartisan, nonprofit research organization that has monitored fiscal policy at all levels of government since 1937. We have produced the *Facts & Figures* handbook since 1941, and each year, we produce the *State Business Tax Climate Index*, which enables business leaders, policymakers, and taxpayers to gauge how their states' tax systems compare. We have a wealth of other data, rankings, and information at our website, www.TaxFoundation.org.

I submit this testimony on Senate Bill 177 which deals with flavored tobacco products. While we take no position on the bill, I wanted to share some research on a flavor ban's effect on tax revenue. We have looked at data from Massachusetts, which implemented a similar ban last June. Massachusetts is a good comparison state for Maryland as both the Northeast and the Mid-Atlantic are regions with short distances to neighboring jurisdictions.

First of all, tobacco excise taxes are, due to their narrow design, an unstable source of tax revenue. Further narrowing the tobacco tax base by banning a portion of tobacco sales altogether could worsen the instability of this revenue source. At the same time, a ban could drive up the costs of tax administration and law enforcement, especially if the lost revenue is made up by raising the tax rate on the remaining tobacco tax base.

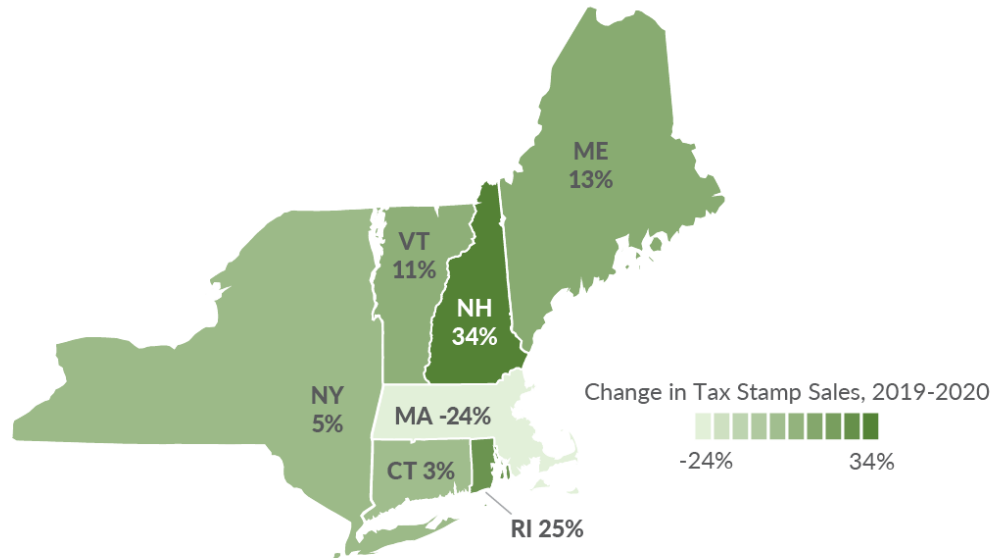
Since June 1, 2020, Massachusetts has banned the sale of flavored tobacco products, including menthol cigarettes. Seven months into Massachusetts' flavor ban, we have data available to study the real-world effects. If we only look at Massachusetts, sales of cigarette tax stamps declined 24 percent comparing June-November 2020 to the same months of 2019. Contrasted with the first half of 2020, where Massachusetts only experienced a decline of roughly 10 percent compared to the first half of 2019, it is clear that the existing decline in cigarette sales has accelerated.

The problem is that Massachusetts' flavor ban has apparently not limited use, just changed where residents purchase their cigarettes. In fact, sales of cigarette tax stamps in the Northeast (Massachusetts as well as Connecticut, Maine, New Hampshire, New York, Rhode Island, and Vermont) have stayed remarkably stable, even increased a bit, following Massachusetts' ban when compared to sales in 2019.

From June 1st to September 30th of last year, 230,797,000 stamps were sold in the region. For the same period in 2019, that number was 225,897,000. This slight increase trends against the national figures, where sales in 2020 were projected to decline around 2 percent. It's true that Massachusetts sales plummeted, but not because people quit smoking—only because those sales went elsewhere.

Massachusetts Ban Causes Cigarette Sales to Increase in Neighboring States

Tax Stamps Sales in June-September 2019 versus June-September 2020



Source: Orzechowski & Walker Survey of State Departments of Revenue; Author's calculations.

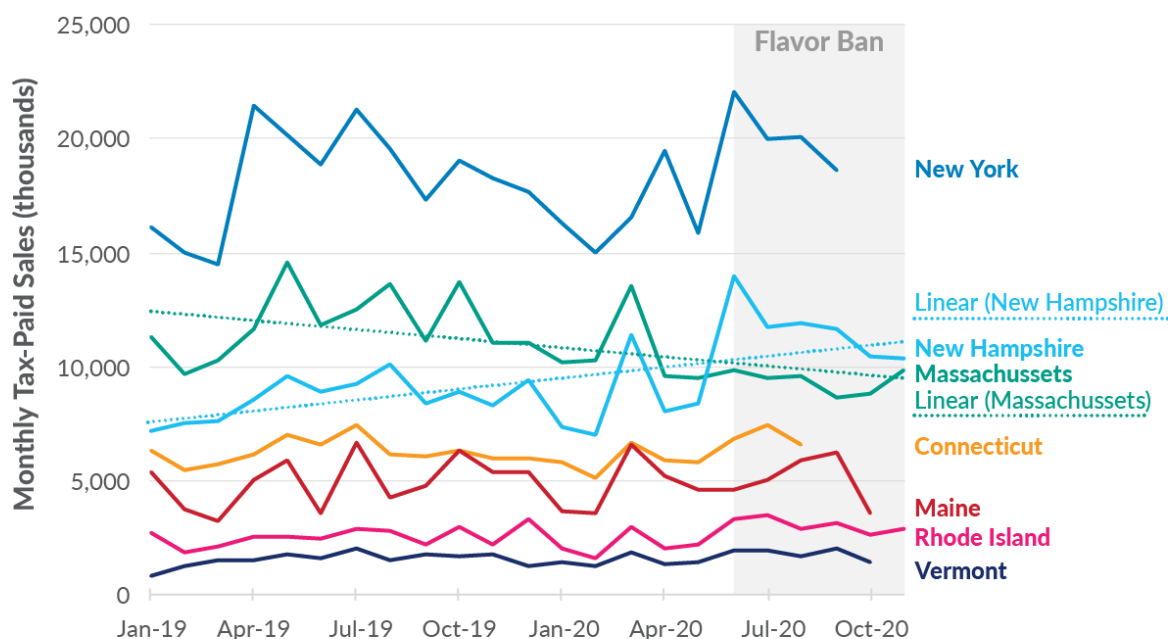
TAX FOUNDATION

@TaxFoundation

If we look at individual states, we can see that increases are skewed. The increase in sales in the Northeast region is most notable in Rhode Island and New Hampshire, but all states in the region, except Massachusetts, have seen increased sales following the ban. Unsurprisingly, New Hampshire benefits the most as that is already the state in the nation with the highest outflow of cigarettes.

Sales Developments in Northeastern States Before and After Flavor Ban

Sale of Tax Stamps (Thousands)



Note: Trendlines added for New Hampshire and Massachusetts as they have experienced the highest volatility in sales. Data not available for some months for Connecticut, Maine, New York, and Vermont.
Source: Orzechowski & Walker survey of state departments of revenue.

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This shift in sales volume has obviously impacted excise tax revenue in all these states but most notably in Massachusetts, which collected \$557 million in cigarette and other tobacco products (OTP) excise taxes in FY 2019 (\$515 million from cigarettes). For FY 2020, the decrease in sales of 10 percent in the first half of 2020 (before the ban) translates to a decline in revenue of roughly \$50 million.

While still early in the new year, assuming FY 2021's accelerated decline of over 20 percent continues through the rest of the fiscal year, the cost of the flavor ban could end up being approximately \$120 million for FY 2021 (not including sales tax losses). For the first six months of FY 2021, Massachusetts has lost more than \$60 million in excise tax revenue—more if we add sales tax revenue. Conservatively, the loss will end up being at least \$100 million this fiscal year. That is a significant cost to the state, especially considering that sales are simply shifting to other states, not actually being eliminated.

In December 2019, the Massachusetts Department of Revenue estimated the ban would decrease collections by the slightly lower \$93 million in FY 2021. Whichever estimate proves right, that revenue is now being collected by Massachusetts neighbors.

According to the fiscal note accompanying this bill's predecessor (SB233), 44 percent of cigarettes consumed in Maryland are menthol cigarettes. For other tobacco products, 40 percent

to 60 percent of products are flavored. Cigarette excise taxes are projected to raise \$299 million in this fiscal year and the other tobacco products tax is projected to raise \$42.6 million.

According to the Maryland Department of Legislative Services, banning flavored tobacco in Maryland will lower revenue by over \$69 million in the first full fiscal year after implementation. This figure is in line with the experience from Massachusetts. However, Maryland has more menthol smokers in the smoking population than Massachusetts and hence risks a larger impact on the levy's revenue generation.

To be clear, a reduction in smoking is a good thing. Nonetheless, the lesson we have learned from Massachusetts is that flavor bans do not necessarily lower consumption; they may simply move tax revenue to jurisdictions without bans. Maryland currently enjoys a low inbound rate of smuggling. If a large portion of the tobacco market were to be banned, that would likely change, with tax revenues leaking to surrounding states.

Finally, state tax revenue is not all that is impacted by this ban. A ban would also impact the large number of small business owners operating vape shops, convenience stores, and gas stations in Maryland, a high price to pay if the primary effect is to inconvenience smokers rather than to actually reduce smoking.

Flavored tobacco ban - SB177 (2021).pdf

Uploaded by: O'Halloran, Mike

Position: INFO



NFIB-Maryland – 60 West St, Ste. 101 – Annapolis, MD 21401 – www.NFIB.com/Maryland

TO: Senate Finance Committee

FROM: NFIB – Maryland

DATE: January 28, 2021

RE: **SENATE BILL 177** – Business Regulation – Flavored Tobacco Products - Prohibition

On behalf of Maryland's small businesses, NFIB-Maryland offers the following comments on Senate Bill 177 – legislation that would prohibit the manufacture, shipment, import, or sale of flavored tobacco products in Maryland.

NFIB members are concerned the prohibitions outlined in HB3 will exacerbate black market sales of otherwise legal products. Those black market sales pose a public health risk because the products are not licensed nor can their origin be properly ensured.

Financially, as indicated in the bill's fiscal and policy note, HB3 would have an adverse effect on small retailers who sell these products. The Department of Legislative Services points out that menthol cigarettes comprised about 44% of all cigarettes consumed in the State. Additionally, menthol and flavored tobacco products comprised an estimated 40% to 60% of cigars and approximately 75% of moist snuff tobacco.

NFIB members feel strongly these products should be kept out of the hands of youths. Legal users however should have the ability to choose how they enjoy these products and not have their choice limited as a result of underage consumers getting their hands on them illegally.

SB 0177 MD Testimony.pdf

Uploaded by: Pociask, Steve

Position: INFO



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,

Steve Pociask, President
 Krisztina Pusok, Ph.D., Director of Policy and Research
 Edward J. Longe M.A., Policy Research Associate
 Derek Hosford, Policy Analyst

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.