



American Heart Association.



February 5, 2021

**TO:** The Honorable Anne Kaiser, Chair  
The Honorable Alonzo T. Washington, Vice Chair  
Members of the Ways and Means Committee  
Room 131  
House Office Building  
Annapolis, Maryland 21401

**FROM:** Laura Hale, Maryland Government Relations Director  
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**SUBJECT:** HB 526 St. Mary's County - Public and Nonpublic Schools - Prohibition on Possession of Tobacco Products by Minors

**Position:** *OPPOSE - Joint Letter of Opposition from the American Heart Association, American Lung Association, American Cancer Society Cancer Action Network, and Campaign for Tobacco Free Kids*

The American Heart Association, American Lung Association, American Cancer Society Cancer Action Network, and Campaign for Tobacco Free Kids write to express our **strong opposition** to HB 526.

As trusted Public Health organizations we oppose all personal use and possession (PUP) legislation, such as the proposal before you for several reasons most importantly they have been proven both ineffective and inequitable.

PUP laws are inequitable because they disproportionately affect minorities, specifically, youth of color. Youth of color – as well as LGBTQ youth, youth with disabilities, and boys are more likely to smoke because these populations have been targeted via advertising and retailer placement by the tobacco industry. African American and Hispanic youth report higher citation rates than their white peers<sup>1</sup>

Utilizing law enforcement and civil penalties increase children’s interaction with the legal system at an early age and have not been proven effective in decreasing children’s use of tobacco products. Psychologists have found that punishment is not an optimal strategy for behavior change – a finding that is even more relevant when the behavior in question is addictive.<sup>2</sup>

Schools can utilize school-based programs to educate children on site. This does not need to be legislated but implemented through the school. One example is, the Vape-Free Schools Initiative, the American Lung Association is helping schools navigate this public health emergency with tools to protect and support both schools and students. The Vape-Free Schools Initiative is supporting students affected by e-cigarettes, offering clear guidance, education, and cessation. The Lung Association offers a toolkit of resources, which can help educate parents, students and provide cessation services all within the school setting.

Finally, law enforcement should focus on adults who illegally sell these products to children and those under 21. The data has proven time and time again that this is an effective strategy to decrease tobacco use among those under 21.

Schools in St. Mary’s County are able to use school-based resources to educate students on tobacco. The criminal justice system should focus on adults who are selling to children illegally, not on children who are in possession of these products. We ask for an **unfavorable report** of HB 526.

1. [https://www.changelabsolutions.org/sites/default/files/2019-05/PUPinSmoke\\_FINAL\\_2019-04-17.pdf](https://www.changelabsolutions.org/sites/default/files/2019-05/PUPinSmoke_FINAL_2019-04-17.pdf)

2. 9 Volkow ND, Baler RD, Goldstein RZ. Addiction: pulling at the neural threads of social behaviors. *Neuron*. 2011;69(4):599-602