



**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.