



February 5, 2021

The Honorable Anne R. Kaiser
Chair, Ways and Means Committee
Room 131
Annapolis, MD 21401

RE: HB 526 - St. Mary's County – Public and Nonpublic Schools – Prohibition on Possession of Tobacco Products by Minors – Letter of Concern

Dear Chair Kaiser and Committee Members:

The Maryland State Council on Cancer Control submits this letter of concern on House Bill 526 (HB 526), which would impose civil penalties, including fines and court fees, on youth in possession of tobacco products on school property in St. Mary's County. Youth possession prohibitions are ineffective and inequitable.

The Maryland Department of Health and each local health department throughout the State prioritize reducing youth access to and use of tobacco products as an important public health measure. Of course, reducing tobacco use in youth reduces tobacco use for a lifetime as few people begin tobacco use in adulthood. The reduction in tobacco use prevalence decreases cancer prevalence.

HB 526 attempts to address youth tobacco use but falls short of the goal. Imposing fees and fines on youth instigated by law enforcement and involving the judicial system is not effective at reducing youth tobacco use. Punishment is not an effective strategy for behavior change particularly when the behavior in question is addictive.¹ The Maryland Department of Health agrees, stating that “[y]outh purchase and possession laws have not been shown to be effective in reducing youth access”²

There are effective mechanisms schools can employ to assist youth who are using tobacco products that do not require involvement of law enforcement or the judicial system. Existing school policies allow schools to treat each child appropriately, typically with referral to the school nurse or local health department for education on tobacco use and cessation support. For example, the American Lung Association's Vape-Free Schools Initiative provides schools with tools to educate school staff, parents, and students on the health harms of tobacco use (particularly vaping) and offers effective methods of

¹ Volkow ND, Baler RD, Goldstein RZ. Addiction: pulling at the neural threads of social behaviors. *Neuron*. 2011; 69(4):599-602

² Maryland Department of Health, Frequently Asked Questions (FAQ) for Tobacco Retailers: New Tobacco Sales Age, “T21”. Available from <https://health.maryland.gov/notobaccosalestominors/Pages/Tobacco%2021%20FAQ.aspx>.



cessation. In addition, school-based punishment, such as suspension from after-school activities, may incentivize students to access the cessation resources and quit tobacco use. These approaches are more appropriate to the setting and to the problem.

Moreover, youth possession laws are inequitably enforced. Whether through explicit or implicit bias, these laws disproportionately affect minorities, specifically youth of color. Black and Latinx youth report higher citation rates than their white peers.³ The Maryland Department of Health concurs with this concern, stating that “[y]outh purchase and possession laws . . . may unfairly target certain groups, including minority groups.”⁴

Schools in St. Mary’s County are able to use school-based resources to educate students on tobacco and offer cessation support. Law enforcement and the judicial system should focus their resources on retailers who are making money selling tobacco to children illegally, not on children who are in possession of these products.

Sincerely,

Kevin Cullen, MD
Chair,
Maryland State Council on Cancer Control

³ Change Lab Solutions, PUP in Smoke Why Youth Tobacco Possession and Use Penalties Are Ineffective and Inequitable (April 2019)(available at https://www.changelabsolutions.org/sites/default/files/2019-05/PUPinSmoke_FINAL_2019-04-17.pdf).

⁴ Maryland Department of Health, Frequently Asked Questions (FAQ) for Tobacco Retailers: New Tobacco Sales Age, “T21”. Available from <https://health.maryland.gov/notobaccosalestominors/Pages/Tobacco%2021%20FAQ.aspx>.