



SENATE BILL 259

Business Regulation – Flavored Tobacco Products - Prohibition

WRITTEN TESTIMONY BEFORE THE SENATE FINANCE COMMITTEE

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For the Maryland Association of County Health Officers (MACHO)

Position: Support – February 16, 2023

The Maryland Association of County Health Officers (MACHO) supports SB 259. MACHO is the professional association of the chief executives of the state's 24 local public health departments (LHDs). 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 259 will substantially decrease health disparities among Maryland's African American population who have been targeted by the tobacco industry for decades with menthol products, 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.

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. The adolescent brain does not reach full development until age 25, meaning it does not yet have the full capacity to balance short-term rewards with long-term goals, control impulses, delay gratification, or foresee and weigh possible consequences of behavior.

Use of flavored tobacco products is highest in youth and young adults: four (4) out of five (5) youth who use tobacco products and three (3) out of four (4) young adults ages 18-24 years use flavored products.¹ Adding flavors to cigars increases appeal and make them easier for youth and young adults to use.² According to the 2022 National Youth Tobacco Survey, cigars were the most commonly used combustible tobacco product with half a million young users.³ One (1) large cigar can contain as much nicotine as an entire pack of cigarettes.⁴

Electronic cigarettes and vape devices are the most common tobacco products used by youth. Nearly one (1) in five (5) Maryland middle school students have tried an electronic vapor product with nearly 2% reporting using a vapor product six (6) or more days in a month.⁵ Use increases for Maryland high school students to 40% with over 10% reporting using electronic vapor products six (6) or more days a month. Both the Maryland middle- and

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¹ Flavored Tobacco Product Use in Youth and Adults: Findings From the First wave of the PATH Study (2013-2014); <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5522636/>

² U.S. Food and Drug Administration,, <https://www.fda.gov/news-events/press-announcements/fda-proposes-rules-prohibiting-menthol-cigarettes-and-flavored-cigars-prevent-youth-initiation>

³ https://www.cdc.gov/mmwr/volumes/71/wr/mm7145a1.htm?s_cid=mm7145a1_w

⁴ American Lung Association, <https://www.lung.org/blog/dangers-flavored-cigars#:~:text=Cigars%2C%20including%20flavored%20cigars%2C%20contain,cigarettes%20but%20that%20is%20untrue.>

⁵ Maryland Youth Risk Behavior Survey/Youth Tobacco Survey 2018-2019, <https://health.maryland.gov/phpa/ccdpc/Reports/Pages/YRBS2018.aspx>

high school students who had tried or routinely used electronic vapor products have something in common: nearly all reported using flavorings such as fruit, candy, and menthol. There is growing evidence that long-term use of e-cigarettes can impair blood vessels which increases the risk for heart disease, like that experienced by chronic smokers.⁶

Menthol is a minty flavor additive that reduces the harshness of smoking, which increases the appeal of cigarettes for youth and young adults. According to the FDA, “menthol also interacts with nicotine in the brain to enhance nicotine’s addictive effects”, increasing the likelihood that youth who start using menthol cigarettes will progress to regular use.⁷

The focus of the tobacco 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.” According to the 2022 National Youth Tobacco Survey (2022 NYTS), more than four (4) out of five (5) kids who use e-cigarettes use a flavored product.⁸ Many 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.

For these reasons MACHO strongly encourages support for this critical public health legislation. For more information please contact Ruth Maiorana, Executive Director, MACHO, at rmaiora1@jhu.edu or 410-937-1433.

⁶ National Institutes of Health,
<https://www.nih.gov/news-events/news-releases/nih-funded-studies-show-damaging-effects-vaping-smoking-blood-vessels#:~:text=Long%2Dterm%20use%20of%20electronic,either%20of%20these%20products%20alone>.

⁷ U. S. Food and Drug Administration,
<https://www.fda.gov/news-events/press-announcements/fda-proposes-rules-prohibiting-menthol-cigarettes-and-flavored-cigars-prevent-youth-initiation>

⁸ <https://www.fda.gov/tobacco-products/youth-and-tobacco/results-annual-national-youth-tobacco-survey>