



American Lung Association Testimony House Bill 1180

House Economic Matters

February 16, 2024

Support

Chair Wilson, Vice-Chair Crosby and Members of the Committee:

We thank you for the opportunity to provide comments on House Bill 1180 – Tobacco Retail Modernization Act of 2024 which would address a number of policy changes regarding tobacco sales in Maryland. The American Lung Association supports this legislation inclusive of the technical amendments being offered by the bill sponsor.

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.

Tobacco use remains the leading cause of preventable death in the United States, killing an estimated 480,000 Americans and [7,500 Marylanders](#) each year.¹

In data from the [2023 National Tobacco Youth Survey](#), tobacco use among high school and middle school students continue to show high levels with more than 2.8 million youth using a tobacco product. The American Lung Association is particularly alarmed by the trends of use by middle school students with the CDC report showing a significant increase in tobacco use. The report showed that tobacco use overall for middle school students increased nearly 50% from 4.5% to 6.6%. The report also shows that 2.1 million youth are still vaping, and over 25% are vaping daily which indicates a very high addiction rate.

In Maryland, close to 15% (14.7%) of high school students use an electronic smoking device. Nationally, nearly 90% of the youth survey respondents reported using flavored e-cigarettes including mint and menthol. In addition, of the youth who smoke, 40.4% smoke menthol cigarettes. Flavored tobacco products remain the primary gateway for youth addiction. The tobacco industry has continued to target youth users with marketing of flavored tobacco products which makes them appealing to youth, with many of them not realizing that these products contain nicotine. As a result, we are setting our kids up for a lifetime of addiction and losing the opportunity for the first tobacco-free generation.

House Bill 1180 addresses a number of important policy changes that the Lung Association supports as effective measures to address tobacco use. These include:

- Making updates to Maryland's law to comply with and mirror federal law on underage sales of tobacco.
- Increasing the cost of a tobacco retail license, requiring a set number of annual enforcement checks of retailers ensuring retailers in Maryland are complying with the law, and more frequent checks for those who have found to be in violation of the law. A successful tobacco retail licensing program includes important key components, including graduated fines and license suspension after a certain number of violations. The Lung Association also believes that revenue raised from the increased costs associated with the license should be used to support enforcement efforts.
- Ensuring that all tobacco products are kept behind the counter which according to [Counter Tobacco](#) can help control the visibility and accessibility at the point of sale.
- Prohibiting tobacco products from being sold in pharmacies. Pharmacies are places where people go to get well and should not be selling deadly products. Selling tobacco products in pharmacies send a mixed message to consumers about the dangers of tobacco products. According to a study in the Journal of American Medical Association, when filling prescriptions for chronic illnesses worsened by smoking, 1 in 20 customers also purchased cigarettes. In the Journal of Preventative Medicine, 2 million smokers last purchased their cigarettes from a pharmacy and tobacco products in pharmacies make quit attempts for current smokers less successful. In fact, after CVS stopped selling tobacco in September 2014, cigarette pack sales decreased, and nicotine patch purchases increased in states where the chain had a large retail presence. Finally, in FDA compliance data, some large pharmacy chains are the leading sellers of tobacco products to underage individuals. By prohibiting the sale of tobacco products in pharmacies this critical access point for kids and young adults will be eliminated.

Thank you for your continued commitment to the health and wellbeing of the residents of Maryland, we urge you to support House Bill 1180 which includes important policy changes in tobacco retail sales to help address tobacco use in the state.

Sincerely,



Aleks Casper
Director of Advocacy, Maryland
202-719-2810

¹ U.S. Department of Health and Human Services. The Health Consequences of Smoking: 50 Years of Progress. 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 2014.