



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of House Bill 1033: Business Regulation - Electronic Smoking Devices  
Manufacturers - Certifications  
February 20, 2024**

Chair Wilson, Vice Chair Crosby, and esteemed members of the Economic Matters Committee, it is my pleasure to come before you and offer testimony in favor of **House Bill 1033: Business Regulation-Electronic Smoking Devices Manufacturers- Certifications**. This bill creates an important tool in stopping the influx of illegal Electronic Smoking Devices (ESDs), restricting access to illegal ESDs from minors, and potentially curbing the growing trend of youth vaping and its associated health risks.

Since Maryland's ESD laws were first passed in 2017, thousands of ESDs have flooded our communities. Currently in the marketplace, there are untold numbers of unregulated ESD products, including dangerous disposables, candy and fruit flavors attractive to children, and products designed to avoid detection in schools. These unregulated ESDs have fueled the growing problem of underage vaping in Maryland.

The solutions proposed by the Office of the Attorney General, through this bill, would create a regulatory and financial framework for the development and marketing of ESDs, enhancing transparency and enforcement, while holding manufacturers accountable for public safety.

**House Bill 1033 will:**

- Require that all ESDs have FDA authorization and that manufacturers apply to the State for approval *before* their products can be sold legally;
- Require manufacturers to identify each product to be sold, including their potency and whether they contain flavors that might appeal to children;
- Authorize the Attorney General to conduct investigations into ESD manufacturers and demand information to prove that the manufacturers are legitimate, law-abiding businesses that will take responsibility for the potential health risks that may be caused by their products;
- Require the Attorney General to publish a directory of legally certified ESDs, giving consumers and businesses clear guidance on which products are legal for sale. This would eliminate sales of ESDs manufactured by dubious companies that leave Maryland citizens holding the bag for the harms of their contraband product;
- Require signage for Vape Shop Vendors stating that tobacco sales may not be made to individuals under age 21; and
- Strengthen enforcement mechanisms on illegal ESDs by:
  - Making sales of ESDs that are not listed on the directory illegal and deemed contraband; and
  - Giving the Alcohol, Tobacco, and Cannabis Commission authority to inspect retailers and vape shops and to remove contraband products from stores – an enforcement method that has been extremely effective combating contraband cigarettes for over 20 years.

**House Bill 1033** benefits local Maryland businesses *and* Maryland residents. The bill requires that all businesses selling ESDs obtain a specific ESD license. This bill is also seeking to change the current way of

selling ESD products by requiring ESDs to be sold only in face-to-face transactions at licensed Maryland retailers and vape shop vendors. Under current law, local businesses are disadvantaged as manufacturers can sell unregulated ESD products directly to Maryland consumers over the internet, completely bypassing local businesses. By requiring that ESDs be sold through responsible local businesses, **House Bill 1033** benefits Maryland retailers and vape shops, by allowing legally certified products in the market, while protecting the public health of its citizens.

**House Bill 1033** also seeks to decrease the amount of illegal ESDs used by youth. Vaping is a long-standing issue for middle and high school students in my district, and I have heard countless complaints from constituents with children. Unregulated ESDs pose a particularly dangerous threat to the health of our youth. Stanford Medicine noted that one BC5000 unit (previously ELF Bar) had the nicotine content of over 590 cigarettes (or about 30 packs of regular cigarettes). ESDs are second only to cigarettes in overall use by adults, but for kids, ESDs are number one: more kids are using ESDs than cigarettes. Even though Maryland law bans the sale of ESDs to anyone under the age of 21, the most recent data from the Maryland Department of Health shows that 41.7% of high school seniors reported using an electronic vapor product and that 5% of high school seniors use them every day. Furthermore, nicotine is highly addictive and can harm developing brains. Early nicotine exposure can lay the groundwork for addiction to other drugs, and most adults who smoke began when they were underage.

Families, schools, and communities can only do so much to curtail the use – confiscating from backpacks, locking entrances to bathrooms to stop their students from vaping. These methods, however, do nothing to address the root of the problem: having these bad products in our stores in the first place. This bill addresses that and brings us one step closer to tackling the vaping epidemic for our youth.

Alabama, Louisiana, Oklahoma, and the city of San Francisco have also enacted ESD directories, while 15 other states have pending legislation. This bill, however, creates a stronger regulatory framework than these other states, ensuring that Maryland is leading the way in protecting the health and safety of Maryland's youth and communities. As such, I respectfully request a favorable report on **House Bill 1033**.

*Bernie Michon Roth*