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TO: The Honorable C.T. Wilson
Chair, Economic Matters Committee

FROM: Anna MacCormack
Assistant Attorney General, Tobacco Enforcement Unit, Office of the
Attorney General

RE: House Bill 1180 – Cigarettes, Other Tobacco Products, and Electronic
Smoking Devices - Revisions – **Support with Amendments**

The Office of Attorney General urges this Committee to report favorably on House Bill 1180 – Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Revisions (Tobacco Retail Modernization Act of 2024) and recommends including amendments.

House Bill 1180 brings much-needed improvements to Maryland's electronic smoking devices ("ESDs") law, Business Regulation Title 16.7. ESD use has grown since Maryland enacted Title 16.7 in 2017, as an ever-increasing number of new products, many attractive to children, have flooded the market. The consequences are all too predictable: from January 2020 to December 2022, total U.S. e-cigarette unit sales increased by 46.6%, from 15.5 million to 22.7 million units,¹

¹ CDC, F.R. Ali et al. "E-cigarette Unit Sales by Product and Flavor Type, and Top-Selling Brands, United States, 2020–2022," *Morbidity & Mortality Weekly Report*, vol. 72 no. 25, 672–77 (June 23, 2023), <https://www.cdc.gov/mmwr/volumes/72/wr/pdfs/mm7225a1-H.pdf>.

and ESDs are the second largest nicotine product category after traditional combustible cigarettes for adult users. And despite Maryland's law banning ESD sales to persons under the age of 21, ESD use for our youth is higher than it is for cigarettes: the 2021 Maryland High School Survey reports that while 3.6% of high school students smoked cigarettes, 14.7% of high school students currently used ESDs—the equivalent of more than 4 students in a class of 30.² Because youth are particularly susceptible to developing nicotine's addictive properties, the widespread availability of e-cigarettes in Maryland risks poses a long-term danger to this vulnerable population.

House Bill 1180 helps solve this problem by making Maryland's licensed Vape Shop Vendors the only entities authorized to sell ESDs to the public, and by requiring that ESDs are the only products that Vape Shop licensees are allowed to sell. This will remove ESDs from retail environments frequented by Maryland's youth and make it easier for responsible and law-abiding Vape Shop Vendors to enforce Maryland's prohibition on sales of ESDs to any person under the age of 21. In addition, House Bill 1180 bans all sales of ESDs directly from the manufacturer to consumers online or by mail, thus eliminating a loophole in Maryland law that allows teens to order e-cigarettes from unscrupulous suppliers over the internet. By requiring that all retail sales of ESDs occur in licensed Vape Shop Vendors, the Office of the Attorney General believes that House Bill 1180 will play an important role in preventing the spread of nicotine addiction to another generation.

The Office of the Attorney General also believes that the Committee should consider ways to make enforcement of House Bill 1180 even more effective, including a requirement that Vape Shop Vendors obtain their ESD merchandise from Maryland's licensed tobacco wholesalers. This would create the same chain of distribution for e-cigarettes that governs Maryland's cigarette industry and facilitates effective enforcement of Maryland law. The Attorney General also recommends that House Bill 1180 authorize the Alcohol, Tobacco, and Cannabis Commission to conduct inspections of Vape Shop Vendors to ensure compliance with the law.

For the foregoing reasons, the Office of the Attorney General urges a favorable report on House 1033.

cc: Committee Members

² Maryland Dep't of Health, *Youth Risk Behavior Survey/Youth Tobacco Survey (YRBS/YTS) 2021-2022*, <https://health.maryland.gov/phpa/ccdpc/Reports/Pages/State-Level-Data,-2021-2022.aspx>.