

ALA_MD_TRL Bill_HB 1180_Support.pdf

Uploaded by: Aleks Casper

Position: FAV



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.

LOS HB 1180.pdf

Uploaded by: Ashiah Parker

Position: FAV



Delegate C.T. Wilson
Economic Matters Committee, Chairman
Lowe House Office Building, Room 231
6 Bladen St., Annapolis, MD 21401

February 20, 2024

RE: HB 1180 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions
(Tobacco Retail Modernization Act of 2024)

POSITION: FAVORABLE

Dear Chairman Wilson,

I am writing to you as an Executive Director and parent, living in Baltimore, to express my support for HB 1180, the Tobacco Retail Modernization Act of 2024. I support this bill because I want more regulation and less access to tobacco products in Maryland. I am especially grateful to the Chairman of this committee for his leadership in sponsoring the bill.

Despite progress in tobacco control, the problem of youth access to tobacco products, including flavored tobacco and e-cigarettes, remains significant. Data indicates that over 48,000 Maryland high school students self-report that they use tobacco products, a number that likely falls short of the true total. The marketing strategies and new products like flavored e-cigarettes target and hook kids, Big Tobacco's next generation of customers.

The impact of youth tobacco use is both a public health and economic burden. Maryland incurs annual healthcare costs of approximately \$3.14 billion directly related to smoking, and 27.5% cancer-related Maryland deaths can be traced to tobacco use. We must act now to mitigate its influence on the health our children and our communities at large.

HB 1180 proposes to imposing stricter penalties on illegal sales to minors, including increased fines and potential license suspension for violators, restrict access to vapes to licensed dealers, and mandates a study on youth access to tobacco products. It also increases the cost of the tobacco retail license to help fund enforcement activities by our state and county agencies that help protect our communities from bad actors. These steps are crucial for developing effective healthcare and public health strategies to protect Maryland's youth.

The need for such legislation is broadly recognized, with eighty-one percent of Maryland voters supporting action against Big Tobacco to safeguard our children. I urge you to vote in favor of HB 1180, the Tobacco Retail Modernization Act of 2024.

Thank you for your consideration and for taking a stand with me.

Sincerely,

Ashiah Parker, Executive Director
No Boundaries Coalition

"deconstructing boundaries, building commUNITY"

P.O. Box 12825, Baltimore, MD 21217 | 410-800-2452 | www.noboundariescoalition.com

Dagmawit Assefa (YAP) Testimony.pdf

Uploaded by: Dagmawit Assefa

Position: FAV



Delegate C.T. Wilson
Economic Matters Committee, Chairman
Lowe House Office Building, Room 231
6 Bladen St., Annapolis, MD 21401

February 20, 2024

RE: HB 1180 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices -
Revisions (Tobacco Retail Modernization Act of 2024)

POSITION: FAVORABLE

Dear Chairman Wilson,

I am writing to you as a Dagmawit Assefa, student/youth advocate, to express my support for HB 1180, the Tobacco Retail Modernization Act of 2024. I am especially grateful to the Chairman of this committee for his leadership in sponsoring the bill. Despite progress in tobacco control, the problem of youth access to tobacco products, including flavored tobacco and e-cigarettes, remains significant. Data indicates that over 48,000 Maryland high school students self-report that they use tobacco products, a number that likely falls short of the true total. The marketing strategies and new products like flavored e-cigarettes target and hook kids, Big Tobacco's next generation of customers.

The impact of youth tobacco use is both a public health and economic burden. Maryland incurs annual healthcare costs of approximately \$3.14 billion directly related to smoking, and 27.5% cancer-related Maryland deaths can be traced to tobacco use. We must act now to mitigate its influence on the health of our children and our communities at large.

HB 1180 proposes to impose stricter penalties on illegal sales to minors, including increased fines and potential license suspension for violators, restrict access to vapes to licensed dealers, and mandates a study on youth access to tobacco products. It also increases the cost of the tobacco retail license to help fund enforcement activities by our state and county agencies that help protect our communities from bad actors. These steps are crucial for developing effective healthcare and public health strategies to protect Maryland's youth.

The need for such legislation is broadly recognized, with eighty-one percent of Maryland voters supporting action against Big Tobacco to safeguard our children. I urge you to vote in favor of HB 1180, the Tobacco Retail Modernization Act of 2024.

Thank you for your consideration and for taking a stand with me.

Sincerely,
Dagmawit Assefa
Youth Activism Project

Finnan Beals- Simon (YAP) Testimony.pdf

Uploaded by: Finnan Beals-Simon

Position: FAV



Delegate C.T. Wilson
Economic Matters Committee, Chairman
Lowe House Office Building, Room 231
6 Bladen St., Annapolis, MD 21401

February 20, 2024

RE: HB 1180 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices -
Revisions (Tobacco Retail Modernization Act of 2024)

POSITION: FAVORABLE

Dear Chairman Wilson,

I am writing to you as Finnan Beals-Simon, student/youth advocate, living in Silver Spring, MD, to express my support for HB 1180, the Tobacco Retail Modernization Act of 2024. I support this bill because as a senior at Spring brook High School in MCPS, I can tell you that vaping has become so common among people my age, largely because it is so accessible and normalized. It's very common to see someone vaping in the back of the class, especially when there is a sub, but even when the teacher is there. I have even been in an anti-vaping assembly where people are vaping one row ahead of me. Before my dad quit, I would walk into his office so I could use his computer to play games with my friends, but I would be immediately hit by the stench of tobacco and I was lightheaded immediately. Like many people, especially now, my dad started using tobacco products in high school, and just like many others, he couldn't quit until well into my life.

Vaping is clearly an issue among minors with data from the CDC stating that in 2023 10% of middle schoolers and high schoolers vape in the US, but why? Young people are attracted to vapes because of the fun flavors, and its marketing as being safer than smoking. These youths are likely blindsided by the addiction and difficulty of quitting that await them. My Dad quit 10 years ago and he still has to chew nicotine gum to prevent withdrawals.

With all of these issues being so apparent and current measures like sharing the dangers of vaping in health classes and anti-vaping assemblies clearly not doing enough, why do you need *me* to tell you that these obvious problems are existent and not being solved? As elected officials you should be proactive about fixing these issues as it affects the lives of your constituents. As elected officials, you should care about the lives of your constituents more than the money from the tobacco industry, but you clearly don't as you have not taken nearly enough steps to curb the issue of tobacco use by the youth. These problems should have been solved the moment they became apparent. Big tobacco needs to be held accountable for marketing to kids and we need more personal measures like counseling and support groups in schools so these tools can be readily accessible to those who the problem heavily affects. I urge you to vote in favor of HB 1180, the Tobacco Retail Modernization Act of 2024.

Thank you for your consideration and for taking a stand with me.

Sincerely,
Finnan Beals-Simon
Youth Activism Project

Hamdi Osman (YAP) Testimony.pdf

Uploaded by: Hamdi Osman

Position: FAV



Delegate C.T. Wilson
Economic Matters Committee, Chairman
Lowe House Office Building, Room 231
6 Bladen St., Annapolis, MD 21401

February 20, 2024

RE: HB 1180 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices -
Revisions (Tobacco Retail Modernization Act of 2024)

POSITION: FAVORABLE

Dear Chairman Wilson,

I am writing to you as Hamdi Osman, student/ youth advocate, living in Burtonsville, MD, to express my support for HB 1180, the Tobacco Retail Modernization Act of 2024. I support this bill because I am a high school student from Silver Spring, Maryland. Before I entered high school in 2020, knowing someone who had access or used any type of drugs was almost unheard of for me. In the eyes of my peers and I, it was seen as out of the ordinary and something that could only be done in the movies. Back then, drugs seemed far-fetched, and way out of our grasps.

Never would I have imagined that drugs would become a norm. Like clockwork, it's almost a day-to-day occurrence where I see girls huddled around each other passing around vapes. The smoke fills the back of the school bathroom and a thick vapor along with a prominent fruity scent is overly present. Sometimes, I'll spot girls during the times I leave class to use the restroom, sitting on the floor of the biggest stall, skipping class to vape.

Vaping, to me, feels like a gateway drug. I see younger classmen try vaping, get hooked, and then shortly after try marijuana which can be often laced with something stronger. The amount of overdoses and health issues that I have heard happened because kids are getting into drugs doesn't seem normal. This shouldn't be happening at all. It's scary that my school and community have been administering lessons to combat the opioid crisis because of the amount of incidents that have occurred. We are just kids, we shouldn't be given lessons on how to deal with a person overdosing. It feels like this problem where kids are getting into drugs is getting worse day by day. There needs to be a change. I urge you to vote in favor of HB 1180, the Tobacco Retail Modernization Act of 2024.

Thank you for your consideration and for taking a stand with me.

Sincerely,
Hamdi Osman
Youth Activism Project

1180 final TFK.pdf

Uploaded by: Kristin Jimison

Position: FAV



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February 20, 2024

House Economic Matters Committee
The Honorable Chair C.T. Wilson
Room 231
Annapolis, MD 21401

Re: House Bill 1180: Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024) –

POSITION: Favorable

Dear Chair Wilson and Members of the Economic Matters Committee:

On behalf of the Campaign for Tobacco-Free Kids, my name is Kristin Jimison, and I am here today in full SUPPORT of HB 1180: The Tobacco Retail Modernization Act of 2024 (“TRMA”).

We want to thank Chairman Wilson for his leadership on this effort. We appreciate the Chairman for meeting with us in the interim to discuss how we might approach reducing the harms of tobacco use on Maryland children, and very much appreciate his support and sponsorship of HB 1180.

We believe this bill offers common sense strategies for Maryland to reduce accessibility of tobacco products for kids in Maryland and to hold bad actors accountable for making products available to children. The bill also simply aligns with federal law in several instances. We look forward to working with the sponsor and other stakeholders should they have any suggestions to strengthen the bill.

Despite decades of progress in reducing smoking rates, kids are still accessing and using tobacco products, including e-cigarettes in Maryland. Today over 48,000 Maryland high school students self-report using tobacco products. We have heard from countless teachers and students that vaping, in particular, is a tremendous problem in schools.

With tobacco companies continuing to market to a new generation of lifelong customers, we cannot rest on past progress, or risk backsliding as new products and new marketing strategies continue to attract kids to tobacco use. In fact, the tobacco industry spends \$8.6 billion annually in marketing - that’s nearly one million dollars per hour, with more than \$95 million directly targeted at Marylanders.

The tobacco industry relentlessly targets our kids and other vulnerable communities. We need every tool possible to counter illicit sales and enforce tobacco laws. TRMA provides funding and tools to help Maryland’s tobacco enforcement agencies hold bad actors accountable and limit the ability for kids to access tobacco products. It also ensures that we have current and accurate data to make informed future policy improvements.

With each year that passes, our *youth* tobacco crisis becomes an ongoing *adult* tobacco crisis and creates another \$3.14 billion in annual Maryland healthcare costs directly caused by smoking. The toll of human suffering is considerable. In fact, 27.5% of cancer deaths in Maryland are attributable to smoking.

A vast majority of Marylanders understand continued action must be taken, and support doing so: A recent poll conducted by OpinionWorks found that 81% of Maryland likely voters support taking further action to prevent the sale of tobacco to our kids.

The TRMA is a vitally important part of the long-term solution. It strengthens existing Maryland Law in three key areas:
Licensing Reform

- Increase the tobacco retailer license fee and use those funds to pay for enforcement activities.

WWW.TOBACCOFREEKIDS.ORG

- Increase penalty for sales to minors, authorize courts to temporarily suspend retail licenses for repeat violations, and offer the ability for courts to revoke licenses for especially bad actors.

Limiting Youth Access to Tobacco

- Adopt best practices including sale-to-minors audits, prohibiting sales in pharmacies, and restricting sales of e-cigs/vapes to specially licensed dealers.

Youth Tobacco Access and E-Cigarette Study

- Study issues related to youth tobacco access and e-cig use, including mapping current retail license density and proximity to schools and healthcare facilities, and the public health impact to young people of tobacco and e-cig/vape use.

These points of progress will help protect the health and future of our kids and prepare Maryland to win the war against tobacco-related addiction, disease and death.

For these reasons, The Campaign for Tobacco-Free Kids supports the TRMA and urges a favorable report from the Committee.

Sincerely,

A handwritten signature in black ink that reads "Kristin Jimison". The signature is written in a cursive, flowing style.

Kristin Jimison

Director of Advocacy, Mid-Atlantic Region

TFK TRMA Leave Behind Collateral_final[61].pdf

Uploaded by: Kristin Jimison

Position: FAV

TOBACCO RETAIL MODERNIZATION ACT

SB1056/HB1180

THE PROBLEM: BIG TOBACCO IS TARGETING OUR KIDS

Despite decades of progress, kids are still accessing tobacco products, which can include flavored tobacco and e-cigarettes. Today over 48,000 Maryland high school students self-report using tobacco products. With the tobacco industry relentlessly targeting its next generation, the time for action to stop access is now.



\$3.14b

Annual healthcare costs directly caused by smoking



48,000+

MD high school students use tobacco products



27.5%

MD cancer deaths attributable to smoking

THE SOLUTION

The Maryland General Assembly has the opportunity to protect the health and future of our youth by passing the Tobacco Retail Modernization Act (TRMA), which will limit youth access to tobacco.



81%

of Marylanders support taking action to prevent the sale of tobacco to our kids

HOW IT WORKS

The proposed legislation updates Maryland law by strengthening regulations in three key areas:



Licensing Reform

- Increase the tobacco retailer license fee and use those funds to pay for enforcement activities.
- Increase penalty for sales to minors, authorize courts to temporarily suspend retail licenses for repeat violations, and authorize courts to revoke licenses for bad actors.



Limiting Youth Access to Tobacco

- Adopt best practices including sale-to-minors audits, prohibiting sales in pharmacies, and restricting sales of e-cigs/vapes to specially-licensed dealers.



Youth Tobacco Access and E-Cig/Vape Study

- Study issues related to youth tobacco access and e-cig use, including mapping current retail license density and proximity to schools and healthcare facilities, and the public health impact of tobacco and e-cig/vape use on young people.

Kyle Olabi (YAP) Testimony.pdf

Uploaded by: Kyle Olabi

Position: FAV



Delegate C.T. Wilson
Economic Matters Committee, Chairman
Lowe House Office Building, Room 231
6 Bladen St., Annapolis, MD 21401

February 20, 2024

RE: HB 1180 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices -
Revisions (Tobacco Retail Modernization Act of 2024)

POSITION: FAVORABLE

Dear Chairman Wilson,

I am writing to you as Kyle Olabi, student/youth advocate, living in Silver Spring, MD, to express my support for HB 1180, the Tobacco Retail Modernization Act of 2024. I support this bill because growing up throughout my life I have noticed how people around me are beginning to become more addicted to these flavored tobacco products. Everywhere I go whether it be the store or school I always see someone with them. I even began to notice these products in my own home when I was younger. My own siblings have gotten their hands on these products and would always be in the garage with their friends using it. I am still able to remember the stench of the flavored tobacco hitting me in the face every time I walked into that garage just to pick up an item for my parents. When I grew up I thought that they started to become more irrelevant in life until I hit middle school. While I was sitting in theater class I was able to notice some of my peers using flavored tobacco products in the corner. That wasn't the only instance I noticed these products in school. I even was familiar with a kid who would be selling them in school to other students as well. The only thing going through my mind at the time wasn't school work but it was more like I needed to get out of there as soon as possible. I didn't really get to hang out much after school because everyone around seemed to be addicted to these products and I didn't want to be dragged into these products with them.

After what felt like escaping the insufferable cloud in middle school I finally got to high school where I was thinking that finally people would be open with each other and not have their heads in their products. It seemed like wishful thinking but I was really hoping for the best. Just like my expectations with middle school, flavored tobacco seemed to be more severe in high school. Every time I go to the bathroom there is always someone in the stall and I can smell the flavored tobacco in the air. The administration has held multiple assemblies regarding this issue and they even closed the bathrooms on the third floor of my building. If that wasn't enough they even implemented a period where in the early morning we can only stay on the first floor until 20-25 minutes before class. I am so sick of all of these flavored tobacco products leaving an impact on my life. I have been trying to avoid this constantly but it is so apparent around me that I can never truly avoid it. Students seem to be at each other's throats just for some of these flavored tobacco products and it makes it hard to feel safe in my own school. I just try to get home as safe as I can because the last thing I want is to put my mom through grief just for accidentally

getting in someone's way to get a puff of these products.

In order to pave a safer path for the students of the future these companies need to stop lying to the youth claiming that these products are healthier than weed because they don't contain nicotine so they won't cause an addiction. But an addiction is caused due to an overflow of dopamine and as long as these youth can get that rush they will never quit and do anything to get that dopamine rush. Without a change society can easily take a turn for the worse leaving a dangerous environment for the kids of the future. To be able to successfully create a safe environment for the children of the future I ask our policy makers to stand up and do something to attempt to ban these products because imagine if it was your own child that was addicted to these flavored tobacco products unable to break free from its sealed grasp on them. That is what multiple parents have to deal with because you aren't doing anything to help us fight it. So I ask again, fight with us and ban these products. I urge you to vote in favor of HB 1180, the Tobacco Retail Modernization Act of 2024.

Thank you for your consideration and for taking a stand with me.

Sincerely,
Kyle Olabi
Youth Activism Project

Support HB 1180 TRL AHA .pdf

Uploaded by: Laura Hale

Position: FAV



February 16, 2024

Testimony of Laura Hale

American Heart Association

**Support HB 1180 Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions
(Tobacco Retail Modernization Act of 2024)**

Dear Chair Wilson, Vice Chair Crosby and Honorable Members of the Economic Matters Committee,

Thank you for your time and consideration on this important legislation for heart health. My name is Laura Hale and I am the Director of Government Relations for the American Heart Association. The American Heart Association extends its support House Bill 1180 – Tobacco Retail Modernization Act of 2024 including the technical amendments offered by the sponsor.

We applaud Chair Wilson for putting in this strong piece of tobacco control legislation that makes sense for health and for business.

Strong retail licensure requirements are a proven way to prevent and limit youth use of tobacco products¹. By increasing the cost to attain a license, the state can use these funds for better enforcement of tobacco control laws and will have funding to be process the paperwork. The current fee is so low, it doesn't account for the needs of the government to process the license and to do enforcement required for both state and federal compliance. Increasing these fees are essential in the business of running the state and will better equip the state and local health departments to do enforcement checks. Maintaining these checks are essential and are also tied into federal compliance under the SYNAR program. SYNAR provides block grants to the state of Maryland that we can (and have in the past) lose for lack of compliance for selling to people under 21.

One in 10 middle and high school students under 18 report obtaining e-cigarettes at a gas station or convenience store². By addressing where these items are sold we can also address increased use of these deadly products.

Places with stronger retail licensure requirements have lower rates of cigarette and e-cigarette use and initiation among both youth and young adults³. This bill strengthens the retail licensure

¹ Astor, R.L., Urman, R., Barrington-Trimis, J.L., Berhane, K., Steinberg, J., Cousineau, M., Leventhal, A.M., Unger, J.B., Cruz, T., Pentz, M., Samet, J.M., & McConnell, R. (2019). Tobacco Retail Licensing and Youth Product Use. *Pediatrics*, 143 (2), Article e20173536. <https://doi.org/10.1542/peds.2017-3536>

² Liu, S. T., Snyder, K., Tynan, M. A., & Wang, T. W. (2019). Youth Access to Tobacco Products in the United States, 2016-2018. *Tobacco Regulatory Science*, 5(6), 491–501. <https://doi.org/10.18001/TRS.5.6.2>

³ Source: Astor, R.L., Urman, R., Barrington-Trimis, J.L., Berhane, K., Steinberg, J., Cousineau, M., Leventhal, A.M., Unger, J.B., Cruz, T., Pentz, M., Samet, J.M., & McConnell, R. (2019). Tobacco Retail Licensing and Youth Product Use. *Pediatrics*, 143 (2), Article e20173536. <https://doi.org/10.1542/peds.2017-3536>

requirements in the state in proven effective ways that are key for tobacco control and are good business practices for the state.

The American Heart Association urges a favorable report on this legislation.

TFK Testimony .docx.pdf

Uploaded by: Michelle Law

Position: FAV

TFK Testimony

Dear Chairman Wilson,

As a Baltimore City resident, student, and youth advocate my name is Michelle Law, I'm writing to you to let you know that I support HB 1180, the Tobacco Retail Modernization Act of 2024. I support this bill because of the many experiences I have regarding the consumption of tobacco products.

Something I had never expected to do was to be sharing my story about vaping. It started innocently enough, just another trend among high schoolers, like slime and fidget spinners. Before high school, I had no idea what vapes even were let alone know someone who even used them, but soon enough, more and more people started to use them. They were typically used by the "cool kids," and I quickly found myself witnessing them vaping wherever I went.

It went beyond being a trend but an obsessive addiction. As if they couldn't stand to spend even a few hours without vaping, where I even saw kids request to leave class to sneak away to vape in the restroom. It has become such a normal thing that I see students vaping everywhere and even multiple times where I overheard people teaching others how to vape while I was using the restroom and had to pretend I didn't hear them.

But let me tell you, vaping is not just a fun harmless thing. It's as bad as smoking, drugs, or alcohol if not worse. The temptation of different flavors and unique designs may seem harmless, but it's a trap. Peer pressure and the constant growth of the vape industry creates a dangerous cycle of addiction and other issues. Most importantly, especially the health risks—which are real, and they're often forgotten when youth just want to fit in.

Another thing that's concerning is how silent vaping can be, especially from parents. The harmful long-term health effects are frequently overlooked. The fact that vape usage is often kept secret from parents creates even more concerns. Vaping is not cheap, and people who vape need to spend their money on other things that can help them and not spend it on something that can potentially put their lives in danger. So, it is crucial that these issues be recognized and that the dangers of smoking and vaping are made clear. Action is needed.

MD TRL Written Testimony 2.20.24.pdf

Uploaded by: Shana Bedi

Position: FAV



Testimony by Parents Against Vaping In Support of HB 1180

House Economic Matters Committee
February 20, 2024

My name is Shana Bedi and I am submitting written testimony on behalf of Parents Against Vaping (PAVe), a volunteer powered non-profit that advocates and educates across the country and here in Maryland to prioritize the health and safety of youth.

The easy access that young people have to tobacco products -- especially e-cigarettes — has resulted in a serious public health crisis. In Maryland, 14.7% of high schoolers use e-cigarettes compared to the US average of 10%. **Eliminating youth access to these deadly, addicting products is a critical step to reduce youth usage.**

We are in full support of the Tobacco Retail Modernization Act of 2024. Requiring tobacco and electronic smoking devices to be displayed behind a counter; proper ID checks; application fees for retailers; multiple annual unannounced inspections; creating an additional electronic smoking devices license; strengthening penalties for selling to minors; and prohibiting pharmacies from selling tobacco products, e-cigarettes, or other tobacco products are all **crucial** measures that will help protect the health of Maryland's kids now and for future generations.

On behalf of all the Maryland families affected by the youth vaping crisis, we thank you for your time.

HB 1180 Chairman Wilson.pdf

Uploaded by: Suzanne Cleary

Position: FAV

Delegate C.T. Wilson
Economic Matters Committee, Chairman
Lowe House Office Building, Room 231
6 Bladen St., Annapolis, MD 21401

February 20, 2024

RE: HB 1180 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024)

POSITION: FAVORABLE

Dear Chairman Wilson,

I am writing to you as a parent of teenagers, living in Riva, Maryland to express my support for HB 1180, the Tobacco Retail Modernization Act of 2024. I support this bill because flavored vape products too easily fall into the hands of minors. Despite educating my kids to the harmful effects of vape products, I was saddened to find Peach Breeze vape in my 14 year olds backpack. My 13 year old is disgusted by the vaping going on in his middle school bathrooms during the day. I am especially grateful to the Chairman of this committee for his leadership in sponsoring the bill.

Despite progress in tobacco control, the problem of youth access to tobacco products, including flavored tobacco and e-cigarettes, remains significant. Data indicates that over 48,000 Maryland high school students self-report that they use tobacco products, a number that likely falls short of the true total. The marketing strategies and new products like flavored e-cigarettes target and hook kids, Big Tobacco's next generation of customers.

The impact of youth tobacco use is both a public health and economic burden. Maryland incurs annual healthcare costs of approximately \$3.14 billion directly related to smoking, and 27.5% cancer-related Maryland deaths can be traced to tobacco use. We must act now to mitigate its influence on the health our children and our communities at large.

HB 1180 proposes to impose stricter penalties on illegal sales to minors, including increased fines and potential license suspension for violators, restrict access to vapes to licensed dealers, and mandates a study on youth access to tobacco products. It also increases the cost of the tobacco retail license to help fund enforcement activities by our state and county agencies that help protect our communities from bad actors. These steps are crucial for developing effective healthcare and public health strategies to protect Maryland's youth.

The need for such legislation is broadly recognized, with eighty-one percent of Maryland voters supporting action against Big Tobacco to safeguard our children. I urge you to vote in favor of HB 1180, the Tobacco Retail Modernization Act of 2024.

Thank you for your consideration and for taking a stand with me.

Sincerely,

Suzanne Cleary

MVA HB1180 Support.pdf

Uploaded by: Tyler Bennett

Position: FAV

Support for HB1180

Maryland Vapor Alliance

The Maryland Vapor Alliance represents small business vape shops throughout the State of Maryland. We would like to express our support for HB1180.

We believe that HB1180 is an unequivocal step forward in tobacco and vape product regulation. Reports have consistently shown that small business vape shops have a clean track record in terms of underage compliance checks. This legislation will help to ensure that vape products remain in the hands of responsible retailers, thus ensuring the safety of consumers.

Additionally, we are in full support of an increase in mandated compliance checks and more robust enforcement. Maryland made tremendous progress by increasing the legal age to buy tobacco products to 21. The latest National Youth Tobacco Survey released by the CDC in November of 2023, showed a roughly 25% decrease in overall tobacco product use in 2022-2023, driven largely by a roughly 28% decrease in current e-cigarette use. We believe that this legislation will continue Maryland on that trend. Small business vape shops have played an instrumental role in Maryland's success in ranking near the lowest smoking rate in the United States. We believe that this legislation will help kickstart Maryland towards having THE lowest smoking rate in the country. We are confident that this bill will help to protect small business vape shops and promote a healthier Maryland.

Thank you for your time and consideration on this matter. We appreciate your dedication to the safety and well-being of Maryland's citizens.

Contact:

Tyler Bennett, Compass Advocacy

tbennett@compassadvocacy.com

Candice Gott, Maryland Vapor Alliance

candicedeane@hotmail.com

HB1180-ECM_MACo_SWA.pdf

Uploaded by: Brianna January

Position: FWA



MARYLAND
Association of
COUNTIES

House Bill 1180

*Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Revisions
(Tobacco Retail Modernization Act of 2024)*

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Economic Matters Committee

Date: February 20, 2024

From: Sarah Sample and Brianna January

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1180 **WITH AMENDMENTS**. This bill is focused on combatting the adverse health effects of tobacco and other related products in communities. Specific to counties, it increases the licensing fee to sell these products and the number of inspections that must be done annually to ensure compliance with standards for providing these products in a retail setting.

Counties have hundreds of locations selling these products in their jurisdictions, while concurrently undertaking substantial efforts, both financial and operational, to remediate the negative effects these products have on the health of residents, particularly children. Law enforcement agencies, schools, and local health departments bear the brunt of this task, and their efforts are limited by the necessary funding to provide services. These programs include prevention education, smoking cessation resources, classes, social and traditional media campaigns, and the like. Counties appreciate the funding that would be allocated to local governments to aid in these remediation initiatives, but would recommend a larger portion of the new fine allocated to local governments who are doing this work.

The bill as written sends \$100 of the \$300 license fee to county governments, which is a portion that lacks an appreciation for the financial burden counties incur purely as a result of the licensing. Counties would increase the share of that fee sent to the local governments to supplement their existing remediation efforts. Additionally, counties believe the Alcohol, Tobacco, and Cannabis Commission should be tasked with the full responsibility of performing inspections, rather than delegating these duties to county governments.

HB 1180 takes a number of important steps to fight dependence on tobacco and electronic cigarettes for community members suffering the consequences of these products. Counties appreciate that, and the recognition of our efforts, and believe these amendments will help local governments achieve the full intent of the bill. For these reasons, counties urge a **FAVORABLE WITH AMENDMENTS** report on HB 1180.

MDDCSAM HB 1180 tob modernization w amendments.pdf

Uploaded by: Joseph Adams, MD

Position: FWA



MDDCSAM is the Maryland state chapter of the American Society of Addiction Medicine whose members are physicians and other health providers who treat people with substance use disorders.

HB 1180 Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024)

SUPPORT WITH AMENDMENTS House Economic Matters Committee February 20, 2024

MDDCSAM strongly supports the enhanced tobacco product placement and age verification provisions, the additional licensure requirement for the manufacture, distribution or sale of electronic smoking devices, and the prohibition of pharmacy sales of tobacco products and electronic smoking devices. Each of these provisions will reduce tobacco use and use disorder among youth and adults. Tobacco and e-smoking device are inherently dangerous products **to which most customers become addicted. *Most long-term tobacco product users wish they could quit.***

Tobacco use is **one of the leading causes of preventable death and disease in the U.S.**

We strongly support an amendment to remove the age exemption for active-duty military which conflicts with federal law. In 2019, federal legislation eliminated the military exemption to the prohibition of tobacco sales and related products to people under age 21. This bill will bring Maryland in alignment with federal law, and will save lives.

According to a Philip Morris internal document dated January 21, 1986, "Raising the legal minimum age for cigarette purchaser to 21 could gut our key young adult market (age 17-20) ..."

(<https://www.tobaccofreekids.org/what-we-do/us/sale-age-21>)

Young people serving in the military deserve to have their health preserved as much as others in their age group. Historically, smoking rates have been particularly high among those serving in the military. Veterans Administration hospitals have been known for a high proportion of patients with tobacco-caused diseases such as chronic lung disease, heart disease, cancer in various organs, stroke, peripheral vascular disease, amputations, and other manifestations of tobacco addiction.

We also support an amendment to allow local health departments to assist in enforcing youth access provisions such as product placement and age verification, and other provisions of the law.

We are pleased to support, with amendments, this important legislation which will improve the lives of youth and adults for decades to come.

Respectfully,

Joseph A. Adams, MD, FASAM, board certified in internal medicine and addiction medicine

ACSCAN_FAVwAMENDMENTS_HB1180_.pdf

Uploaded by: Lance Kilpatrick

Position: FWA

[Memorandum In Support of HB 1180– Delegate Wilson]

[House Economic Matters Committee

February 20, 2024]

American Cancer Society Cancer Action Network is the nonprofit nonpartisan advocacy affiliate of the American Cancer Society. ACS CAN empowers cancer patients, survivors, their families and other experts on the disease, amplifying their voices and public policy matters that are relevant to the cancer community at all levels of government. We mobilize our powerful grassroots network of cancer advocacy volunteers to bring awareness to lawmakers like yourself on cancer issues that matter to your constituents.

ACS CAN supports HB 1180 inclusive of the technical amendments being offered by the bill sponsor.

This year it is estimated that 36,410 Marylanders will hear the chilling phrase “you have cancer.” It’s also estimated that almost 10,310 will die from cancer.

Tobacco use has been found to be one of the primary drivers of cancer-related health disparities because its use disproportionately impacts people based on race, ethnicity, sexual orientation, gender identity, disability status, mental health, income level, education level, and geographic location. Achieving health equity relies heavily on eliminating tobacco use. ACS CAN is pursuing fact-based tobacco control policies at the local, state and federal levels that aim to reduce disparities and improve health outcomes for everyone.

To that end, HB 1180 truly looks to “modernize” existing law in Maryland through a variety of changes that, taken together, tightens regulatory requirements and enhances the State’s ability to both enforce existing law and push back on the marketing and availability of tobacco products, particularly to underage boys and girls. Among the highlights HB 1180 would address includes:

- Displaying cigarettes and other tobacco products by licensed providers would be restricted to behind the counter;
- Where electronic smoking devices are sold would be limited;
- Age identification checks would be strengthened;
- License fees would be increased for the first time in decades while increasing enforcement checks on retailers.

ACS CAN thanks the Chair and committee for the opportunity to testify and urges a favorable report of HB 1180.

HB 1180 - ECM - MHD - SWA.pdf

Uploaded by: Laura Herrera Scott

Position: FWA



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 20, 2024

The Honorable C. T. Wilson
Chair, House Economic Matters Committee
Room 231, House Office Building
Annapolis, MD 21401-1991

RE: House Bill 1180 – Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024) – Letter of Support with Amendments

Dear Chair Wilson and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of support with amendments for House Bill (HB) 1180 – Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024). HB 1180 updates licensing requirements and business operations for tobacco retailers in Maryland. HB 1180 also requires the Department to conduct at least two unannounced inspections of licensed tobacco retailers each year and to conduct a one-time study of tobacco retailers and statewide tobacco enforcement efforts in conjunction with the Alcohol, Tobacco, and Cannabis Commission (ATCC). Finally, HB 1180 prohibits the sale of all tobacco products in pharmacies.

HB 1180 updates the regulatory scheme for licensing tobacco retailers in Maryland and better aligns Maryland law with evidence-based practices in tobacco use prevention and control. The Department supports many of the provisions of HB 1180, including: (1) increasing licensing fees; (2) increasing civil penalties for tobacco retailers who are found out of compliance; (3) requiring retailers to keep cigarettes, other tobacco products, and electronic smoking devices (ESDs) behind-the-counter and to verify all purchasers are at least 21 years old with a government-issued identification; (4) restricting the sale of all ESD products to the premises of licensed vape shop vendors; and (5) prohibiting the sale of all tobacco products in Maryland pharmacies. The Maryland Comptroller,¹ and several organizations, including the Centers for Disease Control and Prevention (CDC), the American Heart Association, the American Lung

¹ <https://www.marylandtaxes.gov/forms/etaskforce/final-e-facts-report02172020.pdf>

Association, and the Campaign for Tobacco-Free Kids recommend implementing such retailer strategies to address health equity and reduce youth tobacco use.^{2,3,4,5}

The popularity of ESDs with Maryland youth is concerning as nicotine adversely affects adolescent brain development and mental health.⁶ Youth who start using ESDs are more likely to completely transition to cigarettes or use both ESDs and cigarettes, putting them at risk for a lifelong addiction to nicotine and other substances.⁷ Restricting ESD sales to licensed vape shop vendors will further limit youth access to ESDs as convenience stores and gas stations are common sources of tobacco products for youth, including ESDs. As written, HB 1180 would also restrict sales of ESDs to in-person on the premises of a vape shop, effectively eliminating online sales. HB 1180 also prohibits tobacco product sales in pharmacies. At least two other states and hundreds of US jurisdictions have also banned tobacco sales in pharmacies to the benefit of public health.⁸ Professional organizations, pharmacists, pharmacy chains, and the public overwhelmingly support policies like HB 1180.⁹

HB 1180 would have a fiscal and operational impact on the Department as written. The bill requires the Department to conduct at least two unannounced inspections of tobacco retailers each year (about 13,000 inspections/year). Currently, instead of doing them directly, the Department provides funding to local health departments to conduct tobacco retailer enforcement (approximately 7,000 inspections per year), and the Department separately conducts statewide Synar and statewide Food and Drug Administration (FDA) inspections (approximately 4,000 inspections per year combined). The bill's inspection requirement would be in addition to the already existing inspections.

HB 1180 increases licensing fees for tobacco retailers from \$25 to \$300. The funds are allocated to the ATCC (\$25), and local jurisdictions (\$100). The remaining \$175 is not accounted for in the bill as written. As HB 1180 does not provide funding to the Department to offset costs to conduct the required additional inspections, the Department respectfully requests the \$175 portion of the licensing fee be allocated to the Department. The proposed increased licensing fees would yield about \$650,000 in revenue for counties (\$100 from each of the 6,500 retailers), and potentially \$1.14 million to the Department. HB 1180 also requires the Department, in conjunction with the ATCC, to conduct a one-time study of tobacco retailers and statewide tobacco enforcement efforts by December 31, 2024. The Department will need to hire additional staff to conduct retailer inspections and the one-time study. The Department proposes several

² Centers for Disease Control and Prevention, "Tobacco Where You Live: Retail Strategies to Promote Health Equity," Office on Smoking and Health, 2022, Accessed 13 Feb 2024 at <<https://www.cdc.gov/tobacco/stateandcommunity/guides/pdfs/best-practices-retail-user-guide-508.pdf>>.

³ American Heart Association, "Tobacco Retailer Licensure: Maryland," Accessed 14 Feb 2024 at <<https://tobaccoretaillicensure.heart.org/states-pods/maryland/>>.

⁴ American Lung Association, "Public Policy Position - Tobacco and Health," 25 Jun 2021, Accessed 14 Feb 2024 at <<https://www.lung.org/policy-advocacy/public-policy-positions/public-policy-position-tobacco>>.

⁵ Campaign for Tobacco-Free Kids, "U.S. STATE AND LOCAL ISSUES PREVENTION AND CESSATION PROGRAMS," 27 Jan 2021, Accessed 14 Feb 2024 at <<https://www.tobaccofreekids.org/what-we-do/us/prevention-cessation>>.

⁶ US Department of Health and Human Services, "E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General," 2016, Accessed 13 Feb 2024 at <https://www.cdc.gov/tobacco/sgr/e-cigarettes/pdfs/2016_sgr_entire_report_508.pdf>.

⁷ Ibid fn 3.

⁸ <https://countertobacco.org/policy/tobacco-free-pharmacies/>

⁹ Ibid

technical amendments to help offset some of these expenditures, which the Department would like the opportunity to discuss.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura Herrera Scott", is enclosed within a faint, light-colored outline of the state of Maryland.

Laura Herrera Scott, M.D., M.P.H.
Secretary

2024-02-20 HB 1180 (SWA).pdf

Uploaded by: Tiffany Clark

Position: FWA

CANDACE McLAREN LANHAM
Chief Deputy Attorney General



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February 20, 2024

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>.

HB1180_MRA_UNF.pdf

Uploaded by: Sarah Price

Position: UNF

MARYLAND RETAILERS ALLIANCE

The Voice of Retailing in Maryland



**HB1180 Cigarettes, Other Tobacco Products, and Electronic Smoking Devices -
Revisions (Tobacco Retail Modernization Act of 2024)
Economic Matters Committee
February 20, 2024**

Position: Unfavorable

The Maryland Retailers Alliance (MRA) has serious concerns about the overall impact of a slate of proposals introduced this year regarding tobacco sales. It appears that the legislature intends to use regulation as a vehicle for removing tobacco from the state through a combination of policies including high tax rates and retail sale prohibitions. We have chosen to address several bills in one document as these bills are scheduled to be heard in separate committees and on separate dates, and we want to ensure that each body is considering the full scope of these proposals and the impact of these policies as a package rather than passing them in a vacuum.

Our membership does not disagree with an intent to address minors' use of illegal products, but the manufacturing and sale of tobacco products is already a highly regulated industry. Age-restriction laws are in place to keep these items out of the hands of children, and consumers in Maryland face some of the highest taxes on tobacco in the country at \$3.75 per pack of 20 cigarettes – higher than all of our neighboring states: Virginia (\$0.60 per pack), West Virginia (\$1.20 per pack), Pennsylvania (\$2.60 per pack), Delaware (\$1.20 per pack), and even Ohio (\$1.60 per pack), North Carolina (\$0.45 per pack), and New Jersey (\$2.70 per pack).

Restricting or prohibiting the sale of products is often well-intentioned and seems like the simplest solution to curb tobacco use: ban or make it difficult for tobacco customers to buy their preferred products, and they will stop using them. We know from cases around the country where governments have passed local flavored tobacco bans that this is not the case. Customers who cannot conveniently purchase these products in Maryland will go to another state to buy the items that they are looking for. There are over 1,600 tobacco retailers within ten miles of Maryland's border in neighboring jurisdictions and no Marylander lives farther than 35 miles from a tobacco retailer across the state line. Users who face a barrier to travel will simply get their products online or illegally from the black market.

We support a regulated industry, and that includes making sure that the products that are available to customers are vetted items. Efforts to curb use that could result in increased black market activity may be detrimental to the health of adult consumers of tobacco products, and we would respectfully urge the Committees to strongly consider this when discussing these bills.

HB1180/SB1056 Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Revisions (Tobacco Retail Modernization Act of 2024)

HB1180 would, among other things, prohibit retailers with a pharmacy permit from selling tobacco products. As a proponent of the free market, we strongly oppose this prohibition which would restrict access to legal, regulated products for purchase by consenting adults. This is of extremely serious concern to not only our retail chain drug stores but also grocery stores in Maryland that provide a pharmacy counter in their community. It is unclear in the bill whether this prohibition on sales in pharmacies would apply only to the pharmacy area in grocery stores, or if retailers would be restricted from selling any tobacco products anywhere in a store that also includes a pharmacy counter.

Marylanders are accustomed to being able to buy a variety of goods outside of the primary categories of food and medicine at both grocery stores and pharmacies, with retail pharmacies often meeting consumer needs by operating as a small general store in many communities. As noted in our introduction, restricting access to legal products may only drive consumers to shop in jurisdictions outside of Maryland or to purchase their desired items through illegal, unregulated channels. We strongly oppose this proposal and believe that it would harm the business community in Maryland without effectively reducing tobacco use in the state.

We would urge an unfavorable vote on HB1180.

HB1033/SB987 Business Regulation - Electronic Smoking Devices Manufacturers – Certifications

HB1033 would require the establishment of a directory of electronic smoking devices that have been approved for sale by the Food and Drug Administration (FDA), ostensibly in an effort to reduce the proliferation of illegal products in the market. We do not oppose the goal of this legislation but there are issues with the bill as proposed.

The directory created by HB1033 would allow the sale of products that have already received approval for sale by the FDA but the bill does not include any statutory requirement to update the directory as new products are approved. This omission fails to address products that were submitted for federal consideration by the September 9, 2020 deadline but which have not yet received a final decision from the FDA.

A separate bill being considered this year, HB1197, proposes a similar directory but requires the Office of the Attorney General to update the directory as needed in order to correctly reflect approved products. Our members have expressed a preference for HB1197 over HB1033 due to this difference.

We would urge an unfavorable report on HB1033.

HB844/SB582 Business Regulation - Cigarette, Other Tobacco Product, and Electronic Smoking Device Retailers - Nicotine Replacement Therapy Products (Make Quitting Convenient Act)

HB844 would require any retailer that sells tobacco products to also sell nicotine replacement therapy products and to post signage in stores. It is inappropriate for the legislature to mandate that retailers carry specific products and to even establish parameters around ordering and stocking timelines, which can vary widely between individual business practices.

In addition to this overreach, the signage requirements in HB844 would be burdensome for businesses. “Real estate” space for notices and signs in stores is a tight market, and customers are already overwhelmed with signs on a multitude of topics in aisles, at the entrance of stores, and at the point of sale, especially in stores like pharmacies, grocery stores, and convenience stores that sell a wide variety of items. A federal order already exists which mandates that businesses post signage about the dangers of smoking, and this should be sufficient to suggest changes to consumer behavior.

We would urge an unfavorable vote on HB844.

HB1197 Business Regulation - Electronic Smoking Devices Manufacturers – Certifications

HB1197 would require the establishment of a directory of electronic smoking devices that have been approved for sale by the Food and Drug Administration (FDA), ostensibly in an effort to reduce the proliferation of illegal products in the market. Unlike HB1033, HB1197 would require that the directory be updated to reflect products that have been newly approved for sale by the FDA, as many items were submitted for review by the federal deadline in 2020 but have yet to receive final determination. A similar bill was recently passed in Virginia and HB1197 would create a consistent market between Maryland and our close neighbor, decreasing the likelihood of consumers crossing the state line in search of specific legal products. Our members have expressed a preference of HB1197 over HB1033 for these reasons.

We would support a favorable report on HB1197.

HB1073 Tobacco Tax - Cigarettes - Rate Alteration

HB1073 would increase the sales tax rate on cigarettes from \$3.75 per pack of 20 cigarettes to \$4.50 per pack, and from 17.5 cents per cigarette in a larger pack to 22.5 cents per cigarette. As noted in our introduction, Marylanders already pay a higher tobacco tax than consumers in any of our immediately neighboring states and beyond, and can reach cigarette retailers in any of those states by driving less than 40 miles. This regressive tax would primarily impact tobacco use for consumers who cannot travel even that simple distance, and could result in higher sales in the black market rather than any

actual reduction in tobacco use. Increasing the tax on cigarettes by almost \$1.00 per pack would increase “border bleed” sales and harm businesses by greatly increasing the price of legal, regulated products for adult consumers.

We would urge an unfavorable report on HB1073.

HB1414 Electronic Smoking Devices - Licensure, Indoor Use, and Taxation – Alterations

HB1414 would, among other things, increase the sales tax rate on electronic smoking devices from 12% to 30%. As noted in our introduction, regressive tax increases such as this merely encourage consumers to cross Maryland’s very close borders to purchase their desired products. Increasing prices as a method to encourage a change in consumer behavior is inappropriate for these items, as is using the consumption of certain products as a method of increasing tax revenue. Increasing this tax would harm businesses and increase prices for legal items for use by adults in Maryland. Other bills have been introduced which would update the Clean Indoor Air Act to restrict the indoor use of electronic smoking devices, and which have not been opposed by MRA.

We would urge an unfavorable report on HB1414.