

House Economics Matters Committee

HB1441: “Business Regulation - Electronic Smoking Devices Manufacturers - Certifications”

Hearing February 25, 2025 at 1pm in the House

Dear Maryland Delegates Rogers, Bofo, Fraser-Hidalgo, and A. Johnson:

My name is Annie Kleykamp (PhD, MA) writing as a scientist with over 20 years of experience studying the effects of nicotine and tobacco. I have also been a voter and taxpayer in Maryland for the last 17 years. I am urging you to **reject HB1441**, which would require the state to enforce regulations that could restrict access to “generally safer”, as noted by the US Food and Drug Administration, smokefree nicotine products (e-cigarettes) among people who use combustible tobacco.

Tobacco smoking, the leading cause of death and disease in the world, continues to be the most commonly way people use tobacco/nicotine in Maryland and the United States. Approximately 1,000 people die each day in America from its use. One of those people was my father who passed away at age 63 as a lifelong smoker who had not been able to quit despite having a medical degree and access to FDA-approved medications for cessation. For close to 20 years, adults 65 and over are the only age group in the United States that has not experienced a reduction in tobacco smoking prevalence which is now higher than that of young adults (9.4% vs. 4.9% in 2022).¹ Even more concerning is that since 2011 smoking prevalence among older adults living below the federal poverty line has increased from 13.0% to 15.8%.¹

Even when FDA-approved medications such as nicotine replacement therapy (NRT; e.g., patch, lozenge, gum), varenicline, and bupropion are combined with behavioral interventions in controlled trials, only 15% of people remain abstinent at 6 months.^{3,4} Many of the people that continue to smoke until there earl

E-cigarettes (“vaporized products”) are a tool for reducing the harms of smoking. Since E-cigarettes were introduced to America in 2006 there has been growing evidence demonstrating their safety and reduced harm. Leaders in science and medicine (the Cochrane Collaboration and the New England Journal of Medicine) have now published data supporting the conclusion that vapor products/e-cigarettes result in less exposure to harm chemicals than smoking and can serve as a tool for stopping smoking. These reviews of the evidence included nearly 30,000 patients and demonstrated that **e-cigarettes were more effective than nicotine replacement therapy**.

People who smoke deserve as many options as possible to stop their use of combustible tobacco/smoking to prevent early death and suffering from conditions such as lung cancer and COPD. E-cigarettes can be one of these options.

If this legislation is enacted, thousands of people across Maryland could lose access to smoke-free products that are helping them live smoke-free lives. To be blunt, support for these bills is sacrificing the lives of people who smoke.

In Baltimore, where I live and work, and throughout the US, these lives are disproportionately older, non-White, and living below the poverty line. This means that smoking disproportionately harms people historically marginalized groups that need help stopping smoking in whatever way possible.

Unfortunately, combustible cigarettes remain easily accessible on most shelves of convenience stores and gas stations.

Meanwhile, the FDA is failing to regulate smoke-free nicotine products in a way that protects public health. The federal regulator's delay in decision-making and arbitrary denial orders are also bogging the agency down with lawsuits and reputational damage. Enforcing a de facto ban on products that FDA is supposed to be reviewing will come at the expense of Maryland taxpayers and public health.

Our goal in Maryland should be to reduce or stop use of combustible tobacco use. For some people this means switching to safer, smokefree products and not necessarily completely stopping nicotine. People die from the tar of smoking, not from the nicotine.

Please reject HB 1411 and thank you for listening to my comments.

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