



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

February 25, 2025

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

**RE: House Bill (HB) 1441 – Business Regulation - Electronic Smoking Devices
Manufacturers - Certifications – Letter of Support**

Dear Chair Wilson and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of support for House Bill (HB) 1441 – Business Regulation - Electronic Smoking Devices Manufacturers - Certifications. HB 1441 updates the licensing regulatory scheme for electronic smoking devices (ESDs) in Maryland by creating separate licenses for ESD manufacturers, wholesalers, and retailers, changing licensing fees, and prohibiting online or direct-to-consumer sales of ESDs. HB 1441 also requires licensed ESD manufacturers to register their products with the Attorney General, who must create and maintain a public directory of ESD products authorized to be sold in Maryland.

HB 1441 strengthens ESD regulations in Maryland and better aligns Maryland law with evidence-based practices in tobacco use prevention and control. Specifically, the Department supports: (1) requiring all tobacco and other tobacco products (OTP) retailers to obtain a separate license to sell ESDs; (2) prohibiting all online and direct-to-consumer sales of ESDs; (3) authorizing the Department to refer licensed retailers or vape shop vendors to the Alcohol, Tobacco, and Cannabis Commission (ATCC) for disciplinary action; and (4) authorizing the ATCC to conduct unannounced inspections of licensed businesses to ensure compliance with statewide tobacco laws. The Maryland Comptroller's e-Facts Taskforce and several organizations, including the Centers for Disease Control and Prevention (CDC), the American Heart Association, the American Lung Association, and the Campaign for Tobacco-Free Kids, recommend implementing such retailer strategies to address health equity and reduce youth tobacco use.^{1,2,3,4,5}

¹ Office of the Comptroller. (2020). Electronic Smoking Devices in Maryland: A Safer Path Forward. <https://www.marylandtaxes.gov/forms/etaskforce/final-e-facts-report02172020.pdf>

² Centers for Disease Control and Prevention. (2024, May 15). Evidence-Based Guidelines For States. <https://www.cdc.gov/tobacco/php/state-and-community-work/guides-for-states.html>

³ American Heart Association. Tobacco Retail Licensure. <https://tobaccoretaillicensure.heart.org/states-pods/maryland/>

⁴ American Lung Association. (2021, June 25). Public Policy Position - Tobacco and Health. <https://www.lung.org/policy-advocacy/public-policy-positions/public-policy-position-tobacco>

⁵ Campaign for Tobacco-Free Kids. (2024, December 17). U.S. State and Local Issues: Prevention and Cessation Program. <https://www.tobaccofreekids.org/what-we-do/us/prevention-cessation>

These measures will protect public health, improve consumer safety, and prevent the unregulated sale and distribution of ESDs, particularly products appealing to youth under 21 years old. During the 2022-2023 school year, approximately one in seven high school students in Maryland used ESDs, more than twice the use of other tobacco products combined, including cigarettes, cigars, and smokeless tobacco.⁶

Under current law, cigarette and OTP manufacturers, wholesalers, and retailers are not required to obtain a separate license to make, distribute, or sell ESDs in Maryland. This lack of separate licensing makes it nearly impossible for the Department, ATCC, and other enforcement partners to track where ESDs are being sold across the state, identify retailers that are selling products illegally, and ensure retailers comply with tobacco laws. This includes better enforcing the current statewide prohibition on the sale of certain flavored, disposable ESD products.⁷ These provisions will close loopholes that have allowed unregulated products to flood the market and become popular with Maryland youth.⁸

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".

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

⁶ 2022-2023 Maryland Youth Risk Behavior Survey/ Youth Tobacco Survey (YRBS/YTS).
<https://health.maryland.gov/phpa/ccdpc/Reports/Pages/YRBS-2022-2023.aspx>

⁷ Comptroller of Maryland Field Enforcement Division. Bulletin TT-77. 10 Feb 2020.
https://atcc.maryland.gov/wp-content/uploads/sites/24/2024/08/bl_tt77.pdf

⁸ CDC Foundation. Monitoring Sales: State Trends. June 2024.
https://www.cdcfoundation.org/QuarterlyECigaretteDataBrief_06.16.2024.pdf?inline