

SB918_FAV_OAG--MacCormack.pdf

Uploaded by: Anna MacCormack

Position: FAV

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
*Chief, Equity, Policy, and
Engagement*



**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL**

ANTHONY G. BROWN
Attorney General

PETER V. BERNIS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

ANNA MACCORMACK
Assistant Attorney General

February 25, 2025

TO: The Honorable Pamela Beidle
Chair, Finance Committee

FROM: Anna MacCormack
Assistant Attorney General, Office of the Attorney General

RE: Senate Bill 918 – Business Regulation – Electronic Smoking Devices
Manufacturers – Certifications

The Office of Attorney General urges this Committee to report favorably on Senate Bill 918 – Business Regulation – Electronic Smoking Devices Manufacturers – Certifications.

Senate Bill 918 brings much-needed improvements to Maryland’s electronic smoking devices (“ESDs”) law, Business Regulation Title 16.7. There have been many changes since Title 16.7 was enacted in 2017, including significant growth in the market and an explosion in the number and type of ESDs. Senate Bill 918 strengthens the licensing and regulatory systems for ESDs in the State and incorporates improvements recommended by the Comptroller’s 2020 Task Force on Electronic Smoking Devices to Maryland’s ESD market.

Since 2017, ESD use has grown, particularly among young people, and many new products have flooded the market. Between 2019 and 2023, ESD sales grew nationally by 47%, from 210.5 million units to 390.4 million units.¹ Analysis of retail sales data shows that in the last six months of 2023, the total number of ESD products sold in the United States reached 6,323 products, a

¹ CDC Found. & Truth Initiative, *Monitoring E-Cigarette Trends in the United States*, 9 (Nov. 21, 2024), <https://tobaccomonitoring.org/reports/trends-report-2024/>.

dramatic increase from 2021, when sales data showed only 453 ESD products sold.² In Maryland, between February 2, 2020, and December 31, 2023, monthly ESD unit sales increased 11.8%, from 223,600 to 249,900 units, driven by significant growth in sales of disposable devices, which increased by 378.8%.³ And while tobacco-flavored ESD sales decreased by 35.6% in that time period, non-tobacco-flavored ESDs increased by 27.4%, driven by increases in menthol and especially in other flavors.

ESDs are the second largest nicotine product category after traditional combustible cigarettes for adult users, but for youth, ESD use is higher than cigarettes: the 2022 Maryland High School Survey reports that while 3.2% of high school students smoked cigarettes, 14.3% of high school students currently used ESDs.⁴ A national survey confirms that in 2024, ESDs are the most commonly used tobacco product among U.S. youth.⁵ Nicotine is highly addictive and can harm developing brains, and early nicotine exposure can prime the brain for addiction to other drugs. Nearly 90% of adults who smoke daily started smoking by age 18, and 98% by age 25. As an analysis of the National Youth Tobacco Survey noted, “multiple factors continue to influence tobacco product use and initiation among youth including availability of youth-appealing flavored products, marketing, harm misperceptions, the emergence of new flavor types...and product features.”⁶ It is clear that certain flavors are particularly attractive to youth: the Survey found that 87.6% of middle and high school students who reported using ESDs used flavored products, the most popular of which were fruit, candy, and mint flavors.⁷

Senate Bill 918 would improve Maryland’s ESD industry in two main ways. First, Senate Bill 918 would establish an ESD directory similar to the cigarette directory that Maryland has had for twenty years. Through the certification process, the Office of the Attorney General (“OAG”) will receive information about the ESD manufacturer and the products it seeks to sell in Maryland. This includes information about the ESDs the manufacturer sells and has sold, the products it seeks to list on the directory, what its ESDs look like, the marketing and advertising for the ESD products, and whether the products and/or their advertising are designed to appeal to youth or are deceptive. The OAG’s assessment will look at many factors, including whether the products come in youth-appealing flavors; whether the marketing and advertising includes cartoons or other images that are aimed at youth, or feature youth-appealing sponsorships or tie-ins; and whether

² *Id.* at 16.

³ CDC Found., *Monitoring U.S. E-Cigarette Sales: State Trends*, 18 (Apr. 2024), https://www.cdcfoundation.org/QuarterlyECigaretteSalesDataBrief_12.31.2023.pdf?inline.

⁴ Maryland Dep’t of Health, *Youth Risk Behavior Survey/Youth Tobacco Survey (YRBS/YTS) 2022–2023*, <https://health.maryland.gov/phpa/ccdpc/Reports/Documents/2022%20YRBS%20YTS%20Reports/2022MDH%20Summary%20Tables.pdf> (QN33 & QN36).

⁵ CDC, A. Jamal *et al.*, “Tobacco Product Use Among Middle And High School Students—National Youth Tobacco Survey, United States, 2024,” *Morbidity & Mortality Weekly Report*. vol.73 no. 41, 917–24 (Oct. 17, 2024), <https://www.cdc.gov/mmwr/volumes/73/wr/pdfs/mm7341a2-H.pdf>.

⁶ *Id.* at 924.

⁷ CDC Found. & Truth Initiative, *Monitoring E-Cigarette Trends in the United States*, at 21.

the ESD incorporates games or interactive designs; and whether the physical design is meant to obscure or hide that it is an ESD, for example because it looks like a smartwatch, highlighter, phone case, or other object. This evaluation is not a flavor ban but rather would consider whether, taken as a whole, the applicant ESD is meant to appeal to legal adult consumers or is aimed at youth.

This approach continues the State's long-standing interest in opposing nicotine-containing products that target youth through marketing, advertising, or design. This began with Maryland's case against Big Tobacco in the late 90s, which resulted in the tobacco Master Settlement Agreement in 1998, a landmark public health agreement. The State's commitment to protecting youth and consumers continued in suits brought in the mid-2000s to enforce the MSA's advertising bans and restrictions. More recently, the OAG brought a case against JUUL, alleging that JUUL willfully engaged in an advertising campaign that appealed to youth. Maryland has also acted legislatively, passing the ban on sales of ESDs to anyone under the age of 21 in 2019 and removing the military exemption last year.

By establishing an ESD directory, Senate Bill 918 will enable law-abiding licensees to be confident they are selling legal products. Only ESDs listed on the directory will be legal for sale in Maryland—all other products will be deemed contraband and subject to seizure by the Alcohol, Tobacco, and Cannabis Commission ("ATCC"). The ATCC will be authorized to conduct unannounced inspections of ESD business, just as it does for traditional combustible cigarettes. Senate Bill 918 also gives the Department of Health the ability to refer violations of the law to ATCC for further enforcement action.

The costs of the certification would be borne through application fees paid by the ESD manufacturers, which must pay a fee of \$1,000 for each product they seek to list on the directory. Furthermore, applicants to the directory must either register to do business in Maryland or appoint an agent for service of process, enabling the State to find these manufacturers if there are any violations of the law, as is required for cigarette manufacturers. The OAG will receive regular reports from wholesalers of their ESD sales to ensure that only products on the directory will be sold in Maryland, just as wholesalers report their cigarette sales. The Bill also provides a process for products that are removed from the directory: the OAG may not remove an ESD or manufacturer from the directory until at least 15 days after notice is given to the manufacturer, and retailers and vape shop vendors have 15 days to remove the product from inventory and return it to the manufacturer. Finally, because ESDs contain toxic chemicals (nicotine and lithium in most cases), they require special handling to store and dispose. Senate Bill 918 adds a requirement that manufacturers deposit funds into an escrow account that can be used by the ATCC to cover unpaid costs of collection and disposing of any ESDs that are taken off the directory or which violate federal, state, or local law.

The second way in which Senate Bill 918 improves Maryland's ESD industry is by making important improvements to Maryland's existing ESD law. Right now, many entities selling ESDs are exempted from obtaining ESD licenses because they already have cigarette or other tobacco products licenses. Senate Bill 918 requires that all businesses obtain a separate ESD license, enabling the State to know what businesses are buying and selling ESDs in Maryland. Senate Bill 918 also requires that all sales be made by and to businesses with Maryland ESD licenses, as is required for traditional tobacco products.

Senate Bill 918 would also close a significant loophole in the current law that allows ESD manufacturers to sell their products over the internet or by mail directly to consumers. Online sales are not allowed for cigarettes or most other tobacco products, and Senate Bill 918 removes this exception for ESDs. Senate Bill 918 requires that all purchases by consumers be face-to-face, which can better prevent illegal, underage sales.

The Bill revises the penalties for violations of the law, providing the State with tools to effectively enforce the Directory by enabling the ATCC to seek monetary penalties, as well as suspension or revocation of a license. Sales of off-directory products would also be deemed an unfair and deceptive trade practice in violation of the Consumer Protection Act. There is an exception to these penalties for individuals with \$100 or less worth of ESDs meant for personal use.

The provisions in Senate Bill 918 come from the State's long experience with traditional tobacco products, as well as the recommendations of the Comptroller's Task Force on Electronic Smoking Devices.⁸ The Task Force, which was established in 2019, was made up of 40 appointed members from every region of the State, comprised of educators, ESD retailers, public health experts, concerned parents, and local and state elected officials. After holding four public meetings and soliciting feedback from both industry and the public, the Task Force's 2020 Report made two recommendations found in Senate Bill 918: banning all direct-to-consumer internet and mail order sales of ESDs and requiring separate ESD licenses with higher fees. The Report also recommended obtaining more information from manufacturers to better "know precisely what e-liquids and ESD devices contain before these products ever reach consumers." Senate Bill 918 improves on that by establishing a certification process through which the OAG can receive and review information about ESD manufacturers and their products before they can be sold in Maryland.

For the foregoing reasons, the Office of the Attorney General urges a favorable report on Senate Bill 918.

cc: Committee Members

⁸ Comptroller's Task Force on Electronic Smoking Devices, *Electronic Smoking Devices in Maryland: A Safer Path Forward* (2020), <https://mdlaw.ptfs.com/awweb/pdfopener?md=1&did=31028>.

SB 918 Landover Hills Exxon Balvir Singh.pdf

Uploaded by: balvir singh

Position: FAV

Good afternoon, and thanks for giving me the time and opportunity to speak to all of you. My name is Balvir Singh, and I own a convenience store in PG County.

I'm in favor of Senate Bill 918. I have been in business for 26 years running convenience stores. I'm a responsible retailer, anyone who buys tobacco products at my location is ID'd regardless of age. I buy products from reputed wholesalers, I abide by the rules set by the State, but additional guidance from the State of Maryland is needed when it comes to e-cigarettes.

Right now, it is so confusing to know which e-cigarette product is legal and which isn't. I would like to see a list from the State guiding me what I can sell and what I cannot when it comes to e-cigarettes. Help me by passing Senate Bill 918. Thank You.

Regards,

Mr. Singh

SB 918 testimony Finance.pdf

Uploaded by: Kirk McCauley

Position: FAV



WMDA/CAR Service Station
and Automotive Repair Association

Chair: Pamela Beidle, Vice Chair Antonio Hays, and members of Finance Committee

RE: SB 918

Position: : Favorable

My name is Kirk McCauley, my employer is WMDA/CAR, we represent service stations, convenience stores and repair facilities across the state as a non- profit trade group.

SB918 will create a directory for ESDs products that is similar to tobacco products. Directory is crucial in putting manufacturers, wholesalers, and retailers on same page and taking away gray areas for enforcement personal.

Any questions can be addressed to Kirk McCauley, 301-775-0221 or kmccauley@wmda.net

SB918_KyleFeldman_FAV

Uploaded by: Kyle Feldman

Position: FAV

Senate Finance Committee,

My name is Kyle Feldman, and I am the Executive Vice President of Government Affairs for Century Distributors, located in Rockville, Maryland. We employ over 200 Marylanders and distribute over 10,000 products to more than 500 retail customers across the state. As a long-standing business in Maryland, I urge you to support SB819, a bill that would bring order to the e-vapor category and strengthen enforcement measures against the growing problem of illicit disposable vapor products.

SB918 is crucial for several reasons: A state e-vapor directory, much like we have with cigarettes in Maryland, would help clarify which e-vapor products are authorized for sale, enabling both wholesalers and retailers to easily confirm the legality of each item before selling it. Currently, there is significant confusion for many regarding the sale of vapor products, which is evident with the hundreds of illicit disposable products being sold across Maryland today. Despite this, FDA enforcement on these products continues to be sluggish. The state of Maryland already maintains a directory for cigarettes that are lawful for sale, so creating a similar system for e-vapor products is a very logical and necessary step.

The current lack of federal oversight and enforcement of vapor products puts Maryland consumers at risk and creates a competitive disadvantage for law-abiding corporate citizens. Not only will SB918, create a vapor product directory, but it will also enhance enforcement of bad actors selling illicit products. This ensures compliance among distributors and retailers and guarantees consumer access to authorized products. A structured, regulated, and secure market will promote the long-term viability of a product category that is less harmful than combustible cigarettes.

I strongly urge your support for SB918. It will create an equal playing field, provide industry members with the necessary information, enhance enforcement efforts, and protect Maryland consumers.

Thank you for your time and consideration.
Kyle Feldman
Century Distributors

Highs SB918 Letter Onheiser.pdf

Uploaded by: Mark Onheiser

Position: FAV

Finance Committee,

My name is Mark Onheiser Jr., and I write this testimony in support of SB918 on behalf of High's of Baltimore, LLC. Highs operates 49 of our 52 stores in Maryland employing more than 800 employees in the state.

I applaud Attorney General's Office for taking the lead with this bill and I believe there are three main reasons why it is vital to implement an e-vapor product directory in Maryland:

- It will help ensure that retailers, like me, know what products can be sold.
- It will give the state the structure and support to enforce the e-vapor category.
- It will help support underage tobacco prevention efforts.

An e-vapor product directory would help me know what products can be sold. As a retailer, I have many tools at my disposal to help me be successful and support me with my strong desire to comply with federal, state, and local laws. However, when it comes to e-vapor, I lack a simple but necessary list of what can and can't be sold in the state. Maryland has a directory for cigarettes that requires manufacturers to register products with the state. As I understand, this bill would mimic the cigarette directory structure making it clear what can be sold.

At Highs, we are extremely selective in what products we offer to our customers and only partner with the most reputable distributors and manufacturers. However, I will caution you that there are retailers in Maryland that sell e-vapor products that come in elaborate flavors, some even have games, that may be attractive to the underaged. My hope is that this bill will provide the necessary structure and support to enforce against products that should not be in the market.

Please support SB918 and I thank you for your consideration.

Regards,

Mark T. Onheiser Jr.
Vice President of Retail Strategy & Execution
Carroll Motor Fuels | High's Stores
18 Loveton Circle
Sparks Glencoe, MD 21152
C 443.615.3374

SB 918 - FIN - MDH - LOS.docx (1).pdf

Uploaded by: Meghan Lynch

Position: FAV



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

February 27, 2025

The Honorable Pamela Beidle
Chair, Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401-1991

**RE: Senate Bill (SB) 918 – Business Regulation - Electronic Smoking Devices
Manufacturers - Certifications – Letter of Support**

Dear Chair Beidle and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of support for Senate Bill (SB) 918 – Business Regulation - Electronic Smoking Devices Manufacturers - Certifications. SB 918 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. SB 918 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.

SB 918 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 Scott", is positioned above the typed name.

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

SB918 Michael Jonczak.pdf

Uploaded by: Michael Jonczak

Position: FAV

To Whom it may concern,

I am writing to express my strong support for SB #918, which aims to establish regulations and directories for e-vapor products. As a retail store owner, I understand the importance of offering a variety of products that meet the demands of my customers. In today's competitive market, providing the products that customers want is crucial for the success of any business.

In recent years, I have witnessed a significant increase in the demand for e-vapor products. As a responsible retailer in the tobacco category, it is essential for me to stay informed and up-to-date on the latest trends and regulations in this industry. However, the lack of clear direction and consistency regarding the approval of e-vapor products has posed a challenge for retail owners like myself.

SB #918 proposes the establishment of directories that would provide structured guidelines for the sale of e-vapor products. These directories would play a crucial role in ensuring that only authorized and safe products are available in the marketplace. By having access to these directories, retail owners would be able to make more informed decisions about the products they offer to their customers.

The implementation of such directories would not only benefit retail store owners but also contribute to the overall safety and well-being of consumers. With clear guidelines in place, customers can have confidence in the products they purchase, knowing that they have been thoroughly vetted and approved for sale.

Furthermore, the establishment of regulations and directories for e-vapor products would create a level playing field for all retailers. It would prevent the sale of unauthorized or potentially harmful products, ensuring fair competition and consumer protection. This, in turn, would enhance the reputation of the industry and promote responsible business practices.

In conclusion, I wholeheartedly support SB #918 and its objective to regulate e-vapor products through the establishment of directories. I believe that this bill will provide much-needed clarity and consistency for retail store owners like myself, while also prioritizing consumer safety and well-being. I kindly request that you consider my perspective and support the passage of this bill.

Thank you for your attention to this matter. Should you require any further information or have any questions, please do not hesitate to contact me.

Michael Jonczak
General Manager of Drug City

SB918_MAPDA_fav (2025).pdf

Uploaded by: Mike O'Halloran

Position: FAV



Mid-Atlantic Petroleum Distributors Association
P.O. Box 711 ★ Annapolis, MD 21404
410-693-2226 ★ www.mapda.com

TO: Senate Finance Committee

FROM: Mid-Atlantic Petroleum Distributors Association

DATE: February 25, 2025

RE: **SENATE BILL 918** – Business Regulation – Electronic Smoking Devices Manufacturers -
Certifications

On behalf of Maryland's convenience stores and energy distributors, MAPDA urges the committee to issue a favorable committee report on SB918.

This legislation effectively creates a directory for electronic smoking devices (ESDs) allowed for retail in Maryland.

An ESD directory can be an effective tool to stop illicit activity and prevent the sale of counterfeit products. It empowers the state to reinforce federal law and further empowers wholesalers and distributors to know which products are in compliance.

This legislation will allow manufacturers, distributors, and retailers to know which products may be sold in the state, where today there is ambiguity.

For these reasons, MAPDA respectfully requests a favorable committee report on SB918.

Feeding and fueling the economy through gas, coffee, food, heating oil and propane.

MAPDA is an association of convenience stores and energy distributors in Maryland, Delaware & the District of Columbia.

Sb918.pdf

Uploaded by: Moynul Mozumder

Position: FAV

Dear Senators,

I am writing to express my strong support for Senate Bill #918, which aims to regulate e-vapor products. As a retail store owner, I believe this bill is crucial for consumer safety and responsible business practices in the e-vapor industry.

The lack of clear regulations for e-vapor products has created challenges for retail store owners like myself. Senate Bill #918 proposes the establishment of regulations and directories for e-vapor products. These directories would provide clear guidelines for retail store owners, ensuring that only authorized and safe products are available in the marketplace.

Implementing regulations and directories for e-vapor products would enhance consumer safety and confidence. Customers would have peace of mind knowing that the products they purchase have been thoroughly examined and approved for sale.

In conclusion, Senate Bill #918 is a necessary step towards regulating e-vapor products. It will ensure consumer safety, promote responsible business practices, and create a fair marketplace for all retailers. I kindly request your support for the passage of this bill.

Thank you for your attention today

SB 918 Waterloo Shell Naresh Kumar.pdf

Uploaded by: Naresh Kumar

Position: FAV

Name: Mr. Naresh Kumar

Name of Store: Waterloo Shell

Address: 7894 Washington Blvd.

Elkridge, Maryland 21075

Years in Business: 24 Years

Number of Employees: 6

Respected Sir/Madam:

I'm in favor of SB 918. I would like to see a MD Directory for e-cigarettes just like the State of Maryland has for traditional cigarettes. I'm very interested in knowing what I can sell and not sell especially when it comes to disposable e-cigarettes. I'm a very responsible retailer who cards everyone who buys tobacco at my location but know that not all retailers ID their tobacco customers especially the ones who sell disposable e-cigs that's not in the MD Directory at this time. I would love to see everyone complying by the rules that the State proposes when it comes to e-cigs. Thank You.

Regards,

Mr. Naresh Kumar

SB918_Raha Oil.pdf

Uploaded by: Raha Oil

Position: FAV

1 Dear Senator,

2 I am writing to express my strong support for Senate Bill 918, which proposes the
3 certification of e-vapor products and the creation of a directory by the Attorney
4 General. This bill is crucial in ensuring the safety and satisfaction of customers, as it
5 provides a list of approved e-vapor products, addressing health risks and unknown
6 ingredients. By holding all stakeholders accountable, Senate Bill 918 promotes the sale
7 of regulated and safe products.

8 I kindly request your support and advocacy for the passage of Senate Bill 918. This bill
9 not only benefits retail owners but also safeguards the health and well-being of
10 consumers. With a centralized directory, retailers can comply with regulations, and
11 consumers can make informed choices. Senate Bill 918 is a crucial step towards
12 creating a safer and more transparent market for e-vapor products.

13 Thank you for your attention to this matter. I trust that you will make the right decision
14 in supporting this important legislation.

15 Thank you,

16 Raha oil

SB918_WINTERPLACE_SAMREEN.pdf

Uploaded by: Samreen Yameen

Position: FAV

Dear Senator,

I am writing to express my strong support for Senate Bill 918, which proposes the certification of e-vapor products and the creation of a directory by the Attorney General. As a retail owner, I believe that communication is the key to ensuring the safety and satisfaction of my customers, and this bill aligns with that principle.

One of my main concerns as a retail owner is to provide a variety of products for my customers when they walk through the door. Many of my customers rely on me to provide answers to their questions regarding the products I carry in my store. However, the e-vapor category, which is currently very popular among adult tobacco users, poses potential health risks and the issue of not knowing the ingredients in these products.

Senate Bill 918 addresses these concerns by the creation of a directory, which would provide retailers like me with a list of e-vapor products that have been approved for sale in the state. This directory would not only ensure that I have the products my customers are asking for but also enable me to be a responsible owner by offering regulated and safe products.

This approach ensures that all stakeholders in the e-vapor industry are held accountable and that the products being sold are safe and regulated.

I believe that Senate Bill 918 is a crucial step towards protecting both retailers and consumers from unregulated and potentially harmful e-vapor products. By partnering with retailers through the creation of a directory, the state is taking a proactive approach to address the concerns surrounding the e-vapor industry.

I kindly request that you consider my support for Senate Bill 918 and advocate for its passage. This bill will not only benefit retail owners like me but also safeguard the health and well-being of consumers in our state.

Thank you for your attention to this matter. I trust that you will make the right decision in supporting this important legislation.

Sincerely,

Samreen Yameen

Winterplace market

DG Fact Sheet_SB0918.docx.pdf

Uploaded by: Senator Gile

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB0918 Fact Sheet

The proposed electronic cigarette legislation, Senate Bill 0918, will drastically improve Maryland's ESD marketplace. It will do this by bringing much-needed improvements to existing ESD law to ensure that ESD businesses are operating lawfully and fairly in Maryland.

1. Requires licensure for all ESD businesses

- a. Requires that all businesses that manufacture, distribute, or sell ESDs in Maryland obtain a specific ESD license, eliminating the existing license exemption that exists for businesses that sell cigarettes or other tobacco products. Removing this exception will allow the State to better know who is doing ESD business, aiding the State's ability to enforce the law.
- b. Increased licensing fees to compensate ATCC for the increased number of license applications to review. License fees for ESD manufacturers, wholesale distributors, and wholesale importers are now the same as for ESD retailers and vape shop vendors (\$300).

2. Removes internet sales loophole and requires license for distribution

- a. Closes an existing loophole that permits manufacturers to sell directly to individuals over the internet.
 - i. Maryland has long had an internet sales ban for traditional combustible cigarettes and ESDs should similarly only be sold in face-to-face transactions to ensure that the purchaser is at least 21 years old.
- b. ESD sales will operate similarly to traditional combustible cigarette sales: licensed manufacturers may only sell to licensed wholesalers or importers, and retailers/vape shop vendors may only purchase ESDs from licensed wholesalers.
 - i. There is a carve-out for entities that are both licensed manufacturers and licensed retailers/vape-shop vendors; they can transfer ESDs from the manufacturer to the retailer/vape shop without going through a wholesaler.
 - ii. This is how cigarette sales work: manufacturer to wholesaler to retail level. It also ensures that only Maryland-licensed entities can conduct ESD business in (or destined for) the State.

3. Improved inspection and referral authority

- a. Gives the ATCC express authority to conduct unannounced inspections of ESD business, just as it has for traditional combustible cigarettes.
- b. Gives the Department of Health the ability to refer violations of the law to ATCC for further enforcement action.

4. Creates an ESD directory of approved ESD products

- a. Creates an ESD directory: ESD manufacturers must apply to the OAG each year for certification and admission onto the directory. This is the same process that has been used for traditional cigarettes for more than 20 years; creating an ESD directory treats ESDs the same as cigarettes, which must go through the same process before they may be sold in Maryland.
- b. Through the certification process, the OAG will receive information about the manufacturer and the products it seeks to sell in Maryland. This includes information about the products the manufacturer sells and has sold, what products it seeks to list on the directory, what the ESD products look like, the marketing and advertising for the ESD products, and whether the products and/or their advertising are designed to appeal to youth or are deceptive.
 - i. The OAG will be evaluating the products and their marketing to determine whether they are meant to appeal to youth or mislead consumers in another way. This assessment will look at whether the products come in youth-appealing flavors, such as candy-flavors; whether the marketing and advertising includes cartoons or other images that are aimed at youth, or a youth-appealing sponsorships or tie-ins; whether the ESD incorporates games or interactive designs; whether the physical design is meant to obscure or hide that it is an ESD, for example because it looks like a smartwatch, highlighter, phone case, or other object; and so forth.
 - ii. This evaluation is not a flavor ban but rather considers whether, taken as a whole, the applicant ESD is meant to appeal to legal adult consumers or is aimed at youth.
 - iii. This continues the State's long-standing interest in halting youth targeting advertising for nicotine-containing products, which began with the State's case against Big Tobacco in the late 90s. That case resulted in the tobacco Master Settlement Agreement in 1998; as a result, nearly all tobacco advertising has ended. The State's commitment continued in suits brought against R.J. Reynolds Tobacco Company to enforce the MSA's advertising bans and restrictions (the Kool Mixx case in 2004 and the Camel Farm Rocks case in 2007), as well as the more recent case that the OAG brought against JUUL, in which the

OAG alleged that JUUL willfully engaging in an advertising campaign that appealed to youth.

c. The OAG would create and maintain a directory of approved ESD products so that ESD businesses know what products they may lawfully purchase and sell in Maryland.

i. Only products listed on the directory can be lawfully sold in the State.

ii. Products not on the directory are deemed contraband and cannot be sold or purchased in the State.

d. The costs of the certification would be borne through application fees paid by the manufacturers, which must pay a fee of \$1,000 for each product they seek to list on the directory.

5. Other provisions that parallel laws for cigarettes

a. Manufacturers must either be Maryland residents or appoint an agent for service of process, which ensures that they are reachable by the OAG if there are any violations of the law.

b. The OAG will also receive regular reports by wholesalers of their ESD sales to ensure that only products on the directory will be sold in Maryland.

c. ESD products that are not on the directory are contraband and can be seized, forfeited, and disposed of.

6. Creates an escrow fund for uncompensated costs of removal and disposal

a. Requires that manufacturers deposit funds to pay for the storage and disposal of dangerous substances if those costs are not otherwise covered.

i. ESDs contain toxic chemicals (nicotine and lithium in most cases) and require special handling to store and dispose. SB0918 adds a requirement that manufacturers deposit funds into an escrow account that can be used by the ATCC to cover unpaid costs of collection and disposing of any ESDs that are taken off the directory or which violate federal, state, or local law.

ii. The amount deposited can be lowered if the ESD products have received FDA marketing orders authorizing sale in the United States.

7. Improved penalties

a. If there is a determination, after notice and a hearing, that someone has possessed, sold, or imported off-directory product or a wholesaler has not made

its required report of sales, the ATCC can seek a monetary penalty or the revocation or suspension of the violator's license.

b. A violation of the directory requirement is also an unfair or deceptive trade practice under Maryland's Consumer Protection Act.

c. There is a personal use exception: anyone who sells, acquires, holds, possesses, transports off-directory product that the person knows or should have known is not on the directory is guilty of a misdemeanor, but these consequences do not apply to someone with \$100 or less worth of ESDs meant for personal use.

8. Other provisions to enable the law to work:

a. Provide process for products that are removed from the directory: OAG may not remove an ESD or manufacturer from the directory until at least 15 days after notice is given to the manufacturer and retailers/vape shop vendors have 15 days to remove the product from inventory and return it to the manufacturer.

b. The OAG or ATCC may promulgate regulations to carry out the new subtitle.

c. There is also a severability provision: if any provision is held invalid, the rest of the subtitle shall be given effect.

DG Written Testimony_SB0918.docx.pdf

Uploaded by: Senator Gile

Position: FAV

DAWN D. GILE
Legislative District 33
Anne Arundel County

Finance Committee

Chair

Anne Arundel County
Senate Delegation



Miller Senate Office Building
11 Bladen Street, Suite 3 East
Annapolis, Maryland 21401
410-841-3568 • 301-858-3568
800-492-7122 Ext. 3568
Dawn.Gile@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of SB0918 - Business Regulation - Electronic Smoking Devices
Manufacturers – Certifications**

Madame Chair, Mr. Vice Chair, and fellow members of the Senate Finance Committee:

SB0918 would require that all businesses that manufacture, distribute, or sell Electronic Smoking Devices (ESDs) in Maryland obtain a specific ESD license, eliminating the existing license exemption that exists for businesses that sell cigarettes or other tobacco products. Removing this exception will allow the State to better know who is doing ESD business, aiding the State's ability to enforce the law.

This bill will drastically improve Maryland's ESD marketplace by bringing much needed improvements to existing ESD law to ensure that ESD businesses are operating lawfully and fairly in Maryland. Further, this bill closes an existing loophole that permits manufacturers to sell directly to individuals over the internet. In addition, the bill creates an ESD directory where ESD manufacturers must apply to the Office of the Attorney General each year for certification and admission onto the directory.

From an enforcement perspective, SB0918 gives the ATCC express authority to conduct inspections of ESD businesses, just as it has for traditional combustible cigarettes and provides the Department of Health the ability to refer violations of the law to ATCC for further enforcement action.

For these reasons, I respectfully request a favorable report on SB0918.

MD_SB918_NEWA_FAV-02242025.pdf

Uploaded by: Vincent J Mayor

Position: FAV



February 25, 2025

Members of the Maryland Senate Finance Committee,

President

Kyle Feldman
National Convenience
Distributors
Farmingdale, NY

I am writing to express my strong support for Senate Bill 918/House Bill 1441, which aims to fairly regulate the electronic smoking device (ESD) industry in Maryland. This important legislation will modernize and strengthen the state's approach to e-vapor products, ensuring a safer and more consistent marketplace while addressing public health concerns.

**Vice President/
Comptroller**

Barry Margolis
Cooper-Booth
Wholesale
Mountville, PA

Aligning with Established Cigarette Regulations

The proposed legislation draws a logical parallel to existing regulations for traditional cigarettes. Under current law, cigarette manufacturers are required to apply to the Office of the Attorney General (OAG) each year for certification and inclusion in a product directory. This longstanding requirement, in place for more than 20 years, ensures proper oversight of cigarette products. SB918/HB1441 establishes a similar system for ESDs, creating a product directory that ensures transparency and accountability in the e-vapor marketplace.

Vice President

Mike Kelley
Core-Mark
Gardiner, ME

The bill also mirrors existing cigarette laws by requiring face-to-face transactions for ESD sales, effectively prohibiting online sales. This provision ensures that the age verification process mirrors that of traditional cigarettes, preventing underage access to harmful products.

Executive Director

VJ Mayor, CAE
NEWA
Portland, ME

Licensure for ESD Businesses

This bill requires all businesses involved in the manufacturing, distribution, or sale of ESDs in Maryland to obtain a specific ESD license. Currently, businesses selling tobacco products are exempt from obtaining such a license for ESD sales. Removing this exemption allows the state to have a clear understanding of who is operating in the ESD marketplace, improving the state's ability to enforce the law and protect public health.

The bill sets licensing fees for ESD manufacturers, distributors, and retailers at \$300, bringing consistency and fairness to the regulatory framework. This helps ensure that all entities involved in the sale of ESDs are held to the same standard, promoting a level playing field in the industry.

Environmental Responsibility

SB918/HB1441 also introduces a crucial provision to ensure that ESD manufacturers are responsible for the disposal of toxic chemicals in their products. The bill requires ESD businesses to contribute escrow funds to manage the disposal of these substances, mirroring the environmental responsibilities imposed on cigarette manufacturers. This step is vital to reducing the environmental impact of ESDs and protecting Maryland's natural resources.

Improved Enforcement and Public Health Protection

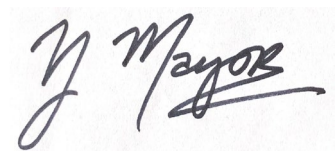
One of the most important aspects of this legislation is the enhancement of Maryland's ability to enforce ESD regulations. The bill grants the Alcohol and Tobacco Commission (ATCC) the authority to conduct unannounced inspections of ESD businesses, just as is done for cigarettes. These inspections will help ensure that businesses are complying with the law and protecting consumers from harmful practices.

Additionally, the Department of Health is empowered to refer violations to ATCC, creating a streamlined process for enforcement across agencies. The penalties for non-compliance, including monetary fines, license revocation, and enforcement of Maryland's Consumer Protection Act, are designed to uphold the integrity of the marketplace and safeguard public health.

The proposed SB918/HB1441 legislation is a crucial step forward in ensuring that the e-vapor industry in Maryland is properly regulated, fair, and accountable. By aligning ESD regulations with those already in place for traditional tobacco products, this bill promotes a safer marketplace, helps prevent underage access, and ensures that businesses adhere to strict environmental and health standards. I strongly urge you to support this important piece of legislation.

Thank you for your attention and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "VJ Mayor", with a stylized flourish at the end.

VJ Mayor, CAE

SB0918AKessler.pdf

Uploaded by: Adi Shemi

Position: UNF

February 25th, 2025

Dear Chairman and Members of the Senate Finance Committee,

I am writing to you as the Chief Operating Officer of TV Vapor, a local business with three vape shop locations in Maryland. I strongly oppose Senate Bill 918 and believe it poses serious risks to small businesses like ours, our employees, and the local consumers we serve.

SB 918 will impose significant and burdensome certification requirements on small businesses in the electronic smoking device industry. For companies like ours, this bill would create an insurmountable financial and administrative burden that could force us to close our doors. As a small, family-owned business, we cannot compete with the resources of large tobacco corporations that will have a much easier time navigating these regulations. This bill disproportionately favors big tobacco and threatens the livelihoods of local business owners and their employees.

Furthermore, the bill grants excessive regulatory power to the Attorney General without clear parameters, creating the potential for overreach and inconsistency. Without a clear and defined framework, businesses will be left uncertain about their obligations, which can lead to costly legal issues and penalties.

Additionally, the risk of product bans due to this bill will disrupt our ability to provide safer alternatives to traditional tobacco products. Local shops like ours offer a vital option for smokers seeking a less harmful alternative, and the closure of small businesses would further limit consumer access to these options.

I urge the committee to reconsider the provisions of SB 918 and its impact on small businesses in Maryland. Rather than imposing unnecessary and potentially harmful regulations, I encourage you to consider more thoughtful and balanced solutions that promote both public health and the viability of small businesses.

Thank you for your attention to this critical matter.

Sincerely,
Ashley Kessler
COO, TV Vapor

SB0918AShemi.pdf

Uploaded by: Adi Shemi

Position: UNF

February 25th, 2025

Dear Chairman and Members of the Senate Finance Committee,

I am writing to express my strong opposition to Senate Bill 918. While I understand the intent to regulate electronic smoking devices, this bill raises several serious concerns.

First, SB 918 disproportionately favors large tobacco companies by imposing burdensome certification requirements that could be difficult for small businesses to meet, potentially driving them out of the market. This could lead to a concentration of power in the hands of a few large corporations, stifling competition and consumer choice.

Additionally, the bill gives excessive power to the Attorney General to regulate these businesses, without clear guidelines or oversight, raising concerns about overreach and inconsistent enforcement. The lack of clarity in the bill makes it difficult for businesses to understand their obligations, creating uncertainty in an already complex regulatory environment.

Finally, SB 918 poses the risk of product bans and could result in the closure of small vape shops, which are crucial to the local economy and provide alternatives to traditional tobacco products. This bill will harm both businesses and consumers without effectively addressing the root issues of public health.

For these reasons, I urge the committee to reconsider this bill and its potential negative consequences for small businesses and consumers alike.

Thank you for your attention to this matter.

Sincerely,

Adi Shemi

SB0918GArieh.pdf

Uploaded by: Adi Shemi

Position: UNF

February 25th, 2025

Dear Chairman and Members of the Senate Finance Committee,

I am writing to formally oppose Senate Bill 918. While the bill aims to regulate electronic smoking devices, I believe it is flawed and poses significant risks to small businesses and consumers in Maryland.

The bill unfairly favors large tobacco companies by imposing burdens that small businesses simply cannot afford. Smaller manufacturers and retailers, particularly local vape shops, will struggle to meet the certification requirements, leading to closures and reduced competition in the marketplace. This bill ultimately benefits big tobacco at the expense of small businesses, undermining both the local economy and consumer choice.

Moreover, SB 918 grants excessive authority to the Attorney General to regulate these businesses, creating potential for overreach and inconsistency. The lack of clear guidelines in the bill only adds to the uncertainty, making it difficult for business owners to understand what is expected of them and to comply with the law.

The bill also introduces the risk of product bans, which could further harm small businesses and restrict access to safer alternatives to traditional tobacco. This heavy-handed approach will not solve the problem of public health but will only hurt local entrepreneurs and consumers who rely on these products.

I respectfully urge you to reconsider SB 918 in its current form. I believe the bill, as written, will have a detrimental impact on small businesses without offering clear or effective solutions for public health concerns.

Thank you for considering my concerns.

Sincerely,

Golan Arie

Opposition to SB0918 2025.pdf

Uploaded by: Ashleigh Lagreco

Position: UNF

Hello all, my name is Ashleigh Lagreco, and I want to talk about some key points about why I am unfavorable to SB0918.

Big Tobacco aims to make our communities sick by putting hundreds of chemicals in their products. According to the CDC in 2024 (reference link(s) at the bottom), Big Tobacco targets the majority of low-income communities simply because they know where money is tight, and stress levels are high by taking advantage of these low-income communities.

I do not agree with the attorney general having any input on what the American people are allowed to be sold in the vaping industry because it can safely be assumed that unless you are trained in the vaping industry, you really wouldn't understand any of it as an outsider while continuing to refuse to be receptive to all of the available information seeing as companies like big tobacco line your pockets because they are intimidated by the vaping industry as we provide safer and cleaner alternatives that aren't pumped full of chemicals cigarette companies pack in their products.

Money is extremely tight in this economy right now. The least we can do for our communities is provide low-cost, safer alternatives that aren't filled with chemicals at a skyrocketed price. Not to mention, this is a severe overreach that could potentially cause adverse health effects to the people you all are supposed to be protecting. While our attorney general may know the legal department, I have serious reservations about them having any knowledge of the vaping industry regarding costs and fees for our products. Being in the vape industry has taught me so much over the last 5 years, one of the biggest things being that ONLY providing high doses of nicotine to our communities raises the risk of cardiovascular disease (The link regarding heart disease rates is below), which is already the #1 killer in the US according to the CDC at the end of 2023. implementing 50mg of nicotine as the only option, in my opinion, would significantly increase this. (Heart disease deaths in the US, according to the CDC, is at 702,880) Providing lower nicotine options for our community helps reduce these risks in the long run.

The cost of living in this economy right now is skyrocketing, it's not fair to take it out on communities, especially when big tobacco is well known for mostly marketing to any low/middle-income people of SES in the US. As a trained professional in the vaping industry, it is my opinion that the attorney general lacks the expertise to be able to regulate these kinds of things in our industry so that big tobacco stomps everyone else out and takes away hundreds of jobs from small businesses that thrive over taking care of our communities by keeping costs as low as we possibly can and providing vape products that aim to be better and safer for the people. Small vape shops offer knowledge and expertise for the people who need the information, and being easily accessible for any issues with their products, in turn, helps keep the community safe.

75% of my customer base uses a low mg nicotine in their open system devices because they have worked so relentlessly hard to cut back on the amount of nicotine they were using from smoking cigarettes previously. The whole purpose of vaping is to provide our community with safer alternatives than smoking cigarettes. It is a well-known fact that smoking cigarettes is the leading cause of chronic bronchitis. Cigarette smoke is also known to cause inflammation of the airways in your lungs and low immune function. (Reference link below)

The biggest complaint I see my customers come in with when they shop for their vapes at liquor/convenience stores is simple: when they buy a product there, the seller knows nothing about that product or how to fix the issues that they have when and if they arise, on multiple accounts, whereas if purchased here we are trained to know how to troubleshoot their problems to prevent further issue. I have had people come to me with a device they bought from a liquor store, and they had walked out of the store, and the vape stopped working they go back in to have it fixed/replaced, and they are told no, which makes them turn to places like the huge black market because they lose trust in stores when things like this happen, not to mention this puts small businesses out of business which goes against directly against the business forward directive set in Maryland.

Reference links:

(1) "Unfair and Unjust Practices and Conditions Harm People with Low Socioeconomic Status and Drive Health Disparities." *Centers for Disease Control and Prevention*, Centers for Disease Control and Prevention, www.cdc.gov/tobacco-health-equity/collection/low-ses-unfair-and-unjust.html#:~:text=The tobacco industry targets low, can make health problems worse. Accessed 21 Feb. 2025.

(2) *NCHS Data Brief, Number 492, December 2023*, www.cdc.gov/nchs/data/databriefs/db492-tables.pdf. Accessed 21 Feb. 2025.

(3) "Chronic Bronchitis." *Ucsfhealth.Org*, www.ucsfhealth.org/conditions/chronic-bronchitis#:~:text=Cigarette smoking is the number, COPD, such as chronic bronchitis. Accessed 21 Feb. 2025.

SB0918-kleykamp testimony.pdf

Uploaded by: Bethea (Annie) Kleykamp

Position: UNF

SB0918: “Business Regulation - Electronic Smoking Devices Manufacturers -
Certifications”

Hearing February 27, 2025 at 1pm

Dear Maryland Senator Gile:

My name is Bethea Kleykamp, and I am a PhD-trained scientist and have studied nicotine and tobacco for the past 23 years. I have no affiliation with the nicotine or tobacco industry. I have also been a Maryland voter and taxpayer for 17 years. I urge you to reject HB1441, which could restrict access to reduced risk products while smoked tobacco products remain easily accessible.

According to science, e-cigarettes are not smoking devices—they do not burn tobacco, contain tobacco, or produce carbon monoxide. As noted by the FDA, they are generally a lower-risk alternative for adults who smoke. In addition, the Cochrane Collaboration, the gold standard for unbiased scientific analysis, reviewed data from nearly 30,000 people and found that e-cigarettes are more effective than standard quit aides like the nicotine patch or gum. A separate Cochrane Review found that switching from smoking to e-cigarettes significantly reduces exposure to harmful chemicals.

We have known for decades that smoking—not nicotine—is the primary cause of tobacco-related disease. Nicotine is not a direct cause of cancer or respiratory disease. That’s why nicotine replacement products like the patch and gum exist. Yet even when combined with behavioral therapy, traditional quit aids fail 85% of the time.

These traditional methods for quitting smoking are not sufficient. Smoking rates among middle-aged and older adults in the U.S. and Maryland now exceed those of young adults and are rising among those in poverty (*Journal of the American Medical Association*). In Maryland, 1 in 10 people still smoke. I would also like to note that smoking and e-cigarette use are at the lowest levels recorded among youth in 10 years.

E-cigarettes aren’t risk-free, but science tells us they are far safer than smoking and can help people quit. If HB1441 passes, thousands of Marylanders could lose access to a proven tool that could help them finally stop smoking.

Maryland should lead with science in reducing smoking-related death and disease—not create barriers to lower-risk alternatives like e-cigarettes. This bill is not a commonsense approach. It creates extreme barriers to people obtaining safer nicotine products and ignores scientific evidence. Please reject HB1441.

Regards,

Bethea Kleykamp, PhD, MA
906 S Clinton Street
Baltimore, MD 21224

C.Gott Opposition to sb0918.pdf

Uploaded by: Candice Gott

Position: UNF

February 20, 2025

Dear Chair Beidle and members of this committee:

I am writing to express my strong opposition to SB0918. This bill should more accurately be described as a gift to Big Tobacco, as it is heavily lobbied by that industry under the guise of consumer protection. The implications of this legislation extend far beyond surface-level assurances; they threaten small businesses that are vital to our local economies while shielding the interests of industry giants.

SB0918 imposes requirements that small vape manufacturing businesses simply cannot meet, leaving consumers with fewer choices and driving them toward products that often do not align with their preferences. The financial burden of compliance is exorbitant—only Big Tobacco can shoulder these costs, effectively shutting out innovative, smaller competitors. As a direct consequence, open-system vapor products and low-nicotine e-liquids will effectively be banned in the Maryland market.

Teen vaping is the lowest it has ever been, thanks to T21. Last year, teen vaping dropped another 2.2%. Ever-users between all teen groups is about 5.9% (ever-user means NOT daily use, and includes teens who've just tried vaping once). The CDC claims this is a bottom that has not been seen in 10 years. There is no youth issue to address. It would be better if the legislator revamped the business licenses and enforcement currently already in place for these products. The Maryland Vapor Alliance is working to see this happen in Chair Beidle's bill. (reference)

Customers who currently use 3mg nicotine products will be forced to switch to Big Tobacco offerings at 25-50mg of nicotine, purchase items out of state, or resort to the black market—an option fraught with risks. This legislation serves as a backdoor flavor ban and poses a severe threat to small businesses, which could cost the state up to \$100 million annually, according to conservative estimates from the 2020 flavor ban fiscal note.

Furthermore, SB0918 goes even further than the previous flavor ban, shutting down small vape shops that adhere to regulations and contribute to tax revenue. It will turn vapor products into convenience store items exclusively supplied by Big Tobacco giants, eradicating consumer choice and diversity legally.

Banning these products will not eliminate their use; instead, it will lead to a significant black market, increasing adverse interactions with law enforcement and a stark loss of tax revenue for the state. The decline of these businesses will result in reduced sales tax and Maryland state payroll tax revenue.

In summary, SB0918 poses a multi-faceted threat to small businesses, the state's economy, and public safety. I urge you to oppose this detrimental legislation for the sake of our local economy and the health of our communities.

Please do not shut down my small business and take my family's livelihood.

Candice Gott

443-926-2660

<https://www.cdc.gov/media/releases/2024/p0905-youth-ecigarette.html>

Testimony in Opposition to SB0918.pdf

Uploaded by: casey begley

Position: UNF

Testimony in Opposition to SB0918

Chair, Vice Chair, and Members of the Committee,

I appreciate the opportunity to testify today in opposition to SB0918, a bill that, while framed as a consumer protection measure, raises serious concerns about market fairness, public health, and economic impact. As someone who understands the importance of harm reduction and consumer choice, I urge you to consider the unintended consequences of this legislation.

First and foremost, SB0918 appears to favor Big Tobacco by restricting the market in a way that primarily benefits large corporations. This bill is part of a coordinated effort being pushed nationwide by Big Tobacco interests, leveraging concerns over consumer safety to consolidate their control. By implementing excessive regulatory barriers, this legislation would make it nearly impossible for independent businesses to compete, ultimately limiting consumer choices.

Additionally, the bill grants the Attorney General the sole authority to determine which vapor products can be sold in Maryland, yet it provides no clear guidelines or process for these decisions. Without well-defined criteria, this creates a system vulnerable to inconsistency and potential bias, making it difficult for small businesses to navigate compliance. The high costs associated with registering products would further ensure that only Big Tobacco-backed products remain available.

One of the most concerning aspects of SB0918 is the potential ban on open-system vapor products and low-nicotine devices. Many adults who have successfully reduced or quit smoking rely on 3mg nicotine options, yet this bill threatens to remove them from the market, leaving only high-nicotine (50mg) alternatives. This contradicts harm reduction principles and could push consumers back toward combustible cigarettes.

Beyond consumer impact, the economic consequences of this bill cannot be overlooked. Small vape shops, which provide regulated and responsible access to these products, would be forced to close, shifting sales primarily to convenience stores—where data shows youth access is a greater concern. Estimates suggest Maryland could face economic losses exceeding \$100 million, a conservative figure given the widespread impact of prior regulations on flavors. Additionally, restricting legal access will inevitably fuel a growing black market, as consumers turn to online sources or out-of-state retailers.

In summary, SB0918 is not a consumer protection bill—it is a measure that consolidates control under Big Tobacco, limits consumer choice, threatens harm reduction efforts, and risks significant economic harm. I respectfully urge the committee to reject this bill in its current form and consider legislation that prioritizes public health without eliminating competition and consumer access.

Thank you for your time and consideration.

SB0918 Letter.pdf

Uploaded by: Casey Deane

Position: UNF

Casey Deane

3814 28th Street

Chesapeake Beach, MD 20732

caseydeane@outlook.com

443.822.5345

02/21/2025

Subject: Opposition to HB1441 – Protect Small Businesses and Consumer Choice

I am writing to strongly oppose HB1441, a bill that unfairly favors Big Tobacco while threatening the existence of small businesses and limiting consumer access to safer alternatives to traditional cigarettes. If passed, this legislation could effectively ban open-system vapor products, devastating small businesses, eliminating jobs, and significantly impacting the state's economy.

Small, independent vape shops and businesses rely on the sale of open-system vapor products to support themselves and their families. By removing these products from the market, HB1441 will force many to shut down, leading to job losses, tax revenue reductions, and economic instability for thousands of individuals who depend on this industry. This bill does not protect public health; rather, it grants a monopoly to Big Tobacco companies, whose products remain available while safer alternatives are unfairly restricted.

Additionally, banning open-system vapor products will not eliminate demand—it will simply push consumers toward unregulated black-market alternatives, which pose serious health and safety risks. Prohibition has never been an effective solution, and this bill will only encourage unsafe, illicit markets that put consumers at greater risk.

Rather than restricting consumer choice and harming small businesses, I urge lawmakers to consider reasonable regulations that protect both public health and economic stability. Please stand with small business owners, workers, and responsible consumers by rejecting HB1441.

Thank you for your time and consideration. I hope you will take a stand against this harmful legislation.

Sincerely,

Casey Deane

Charles Gott Opposition to sb0918.pdf

Uploaded by: Charles Gott

Position: UNF

Dear Members of the Senate Finance Committee:

I am writing to express my strong opposition to SB0918. This bill primarily serves the interests of Big Tobacco, disguised as consumer protection. Its implications significantly threaten small businesses that are vital to our local economies while favoring large corporations.

It appears the state is trying to address an issue that does not need to be address: TEEN VAPING IS THE LOWEST IT HAS EVER BEEN PER THE CDC. (reference)

The requirements outlined in SB0918 are unattainable for small vape manufacturers. This will severely limit options for consumers, forcing them toward higher-nicotine products from major players in the industry, which may not align with their preferences. Only Big Tobacco can afford the costly compliance necessary under this law, effectively pushing innovative smaller businesses out of the market. As a result, we could see the near elimination of open-system vapor products and low-nicotine e-liquids in Maryland.

Consumers who currently use 3mg nicotine products may find themselves compelled to shift to 25-50mg tobacco products, buy from out-of-state retailers, or resort to potentially dangerous black market options. This bill does more than introduce a flavor ban; it represents a direct attack on small businesses, which could cost the state up to \$100 million annually based on conservative estimates from the previous flavor ban analysis.

Moreover, SB0918 is even more restrictive than prior flavor legislation. It would further jeopardize small vape shops that comply with existing regulations and pay taxes, consolidating the market to Big Tobacco's control. As a result, vapor products will become limited to convenience stores, stripping consumers of their choices.

Banning these products will not eliminate their use; rather, it will create a significant black market that increases risks and complicates law enforcement efforts. This decline in legitimate businesses will lead to reduced sales tax and payroll tax revenue for the state.

To summarize, SB0918 poses serious risks to small businesses, the economy, and public safety. I strongly urge you to reject this detrimental legislation in order to protect our local economy and the well-being of our communities. Thank you for your attention to this important matter.

Thank you for your time and consideration,

Charles Gott

<https://www.cdc.gov/media/releases/2024/p0905-youth-ecigarette.html>

Proposed Legislation SB0918.pdf

Uploaded by: Derek Abbott

Position: UNF

This proposed legislation, cloaked in the guise of consumer protection, presents a serious threat to public health, economic stability, and individual freedoms. It's imperative we recognize this bill for what it is: a thinly veiled attempt by Big Tobacco to consolidate its market power and eliminate competition.

Firstly, the influence of Big Tobacco on this legislation is undeniable. Concerns about HB1441 echo across the nation, revealing a coordinated lobbying effort driven by the very industry that profited from the devastating consequences of cigarettes. To allow them to dictate the future of harm reduction alternatives is a profound conflict of interest.

Secondly, granting the Attorney General sole authority over vapor product approval is a dangerous overreach. This unchecked power, coupled with the bill's lack of transparent criteria and processes, opens the door to arbitrary decisions and potential bias. The high fees associated with product registration will effectively create a barrier to entry for smaller businesses, leaving only Big Tobacco with the resources to comply.

Thirdly, the legislation's ambiguity regarding product bans poses a significant risk to public health. The potential elimination of open system vapor products and low-nicotine options, particularly the popular 3mg nicotine level, would force consumers back to high-nicotine devices or even cigarettes. This directly contradicts the goal of harm reduction and will create a public health disaster.

Fourthly, the economic repercussions of this bill are substantial. The closure of small vape shops, the very businesses that provide personalized guidance and support to those seeking to quit smoking, will lead to job losses and a significant decline in state revenue, conservatively estimated at over \$100 million. Ironically, this legislation will empower convenience stores, the primary source of teen access to tobacco products, according to available data. Furthermore, a large black market will be created, as citizens will turn to online services and other states to obtain the products they want.

Finally, I want to add my personal testimony. As a former long-time smoker, I struggled for years to break free from nicotine addiction. Traditional methods, such as patches and gums, proved ineffective for me. It was only through vaping that I was finally able to successfully quit smoking. The ability to gradually reduce nicotine levels, coupled with the behavioral aspects of vaping, provided the crucial support I needed. I have now been completely nicotine-free for over a year, and I attribute this success directly to the availability of diverse vaping products. This legislation, which threatens to eliminate the very products that enabled my journey to a healthier life, is a direct assault on the choices and successes of countless individuals like myself. To deny others the same opportunity I had is not only unjust but also a profound disservice to public health.

In conclusion, this legislation is not about consumer protection; it's about protecting the profits of Big Tobacco. It's a misguided attempt to regulate a market that has shown promise in reducing smoking-related harm. We urge lawmakers to reject this harmful bill and instead focus on evidence-based policies that prioritize public health and economic well-being.

Respectfully, Derek Raymond Abbott

Dominic HB1441 Statement.pdf

Uploaded by: Dominic Hopkins

Position: UNF

To the Members of the Maryland Economic Matters Committee,

I am writing to formally express my opposition to Bill HB 1441. While the bill aims to regulate tobacco and nicotine products within Maryland, its broad and unclear provisions pose significant unintended consequences that could harm both public health and the state's economy. Below are key concerns regarding this legislation:

1. Lack of Clarity and Selective Impact: HB 1441 leaves critical ambiguities in its regulation of nicotine and tobacco products, particularly regarding which products will remain available on the market. While the bill aims to target products that are harmful, it appears to prioritize large tobacco companies, which could result in a near-total exclusion of open system vapor products and low-nicotine devices. Without further clarification, the bill risks allowing the continued dominance of large corporations while unfairly excluding alternatives that have proven to be less harmful than traditional tobacco products.

2. The Risk of Product Bans and Public Health Consequences: One of the major concerns with HB 1441 is its potential to ban open-system vapor products, which are popular among many adult smokers trying to reduce their reliance on traditional cigarettes. These products provide a safer alternative for smokers, especially those who wish to quit. By restricting access to these products and low-nicotine devices, the bill could inadvertently remove harm reduction options from the market, potentially pushing individuals back to smoking cigarettes, which is counterproductive to public health objectives.

3. Negative Economic Impact: HB 1441 poses a severe economic threat to Maryland's small businesses within the vapor industry. Many local shops, manufacturers, and suppliers that specialize in open system vapor products and low-nicotine devices could face closures or significant reductions in revenue. This would result in widespread job losses and a decline in local economic activity. Additionally, this bill would reduce the state's tax revenue, as it would reduce the sales of these products while also forcing many businesses to either shut down or relocate to more business-friendly states.

4. Emergence of a Black Market: If passed, HB 1441 will likely drive consumers to seek out these products through unregulated black markets or out-of-state purchases. Many consumers may resort to online services or purchase from states with less restrictive regulations, undermining Maryland's ability to regulate and ensure the safety of these products. This shift would reduce the ability of the state to track and manage product safety and compliance, further compromising public health.

Conclusion: Considering these concerns, I urge the Maryland Economic Matters Committee to reconsider the potential consequences of HB 1441. Instead of imposing broad restrictions that harm small businesses, restrict consumer choice, and push products into unregulated markets, the committee should focus on a more balanced approach that promotes consumer safety without stifling innovation or economic growth.

Thank you for your time and consideration. I trust that you will take these points into account as you evaluate this important legislation.

Sincerely,
Dominic Hopkins

HB1441ltr.pdf

Uploaded by: Elmer Bailey

Position: UNF

I would like to first thank the House Committee for the opportunity today to speak in opposition of the Big Tobacco Bill HB1441

Let me first introduce myself,,Elmer Bailey,,owner of The Vapor Emporium and Principle member of the Maryland Vapor Alliance

Big Tobacco Bill HB1441 will effectively, close the hundreds of legitimate licensed vapor product retailers in the state,,this is not mere conjecture, this is legitimate fact. HB1441 removes all products that hundreds of thousands of Maryland citizens have effectively used as a method of quitting cancer causing combustible tobacco using these safer and as identified by the FDA itself, as less risk and more effective than pharmaceutical alternatives leaving only the very few Big Tobacco HIGH NICOTINE products that are traditional sold thru convenience and liquor store outlets.

The regulations set forth in this bill,,are onerous, unrealistic, and meant to leave the only alternatives available, again,,the HIGH NICOTINE BIG TOBACCO alternatives which are very few.

HB1441 is inherently fiscally irresponsible, It not only creates another layer of state bureaucracy which will not be funded,,as this bill is untenable for any company other than BIG TOBACCO to achieve,,it will cost the state millions in lost tax revenues from the closure of stores, and increased unemployment from the layoff of employees, facts which seem suspiciously missing from the lack of any fiscal notes

HB1441 also decreases consumer safety to the states citizens,,as this will undoubtedly create a black market, force consumers out of state to obtain products, and allow potentially harmful unregulated products to remain.

We have worked diligently and respectfully with our state and local legislators throughout the years to pass responsible and effective regulation and licensing initiatives,, let this pen, (display pen) the very pen which signed into law making Maryland one of the first states to adopt T-21, ahead of Federal legislation, be an example of our dedication to preventing youth access, responsible licensing and regulations in the state,,note,,it was NOT presented to the BIG TOBACCO interests which opposed such legislation,,and is yet again, presenting legislation to harm Maryland citizens, close businesses, and create a monopoly for high nicotine big tobacco products

Again,,we respectfully wish you to consider an unfavorable recommendation
THANK YOU AGAIN

Elmer Bailey

Illegal Vape Sale Dec 2024 (1).pdf

Uploaded by: Eric Frit

Position: UNF

MY DOLLAR & PLUS
9035 Gaither Rd
Gaithersburg, MD 20877

INVOICE

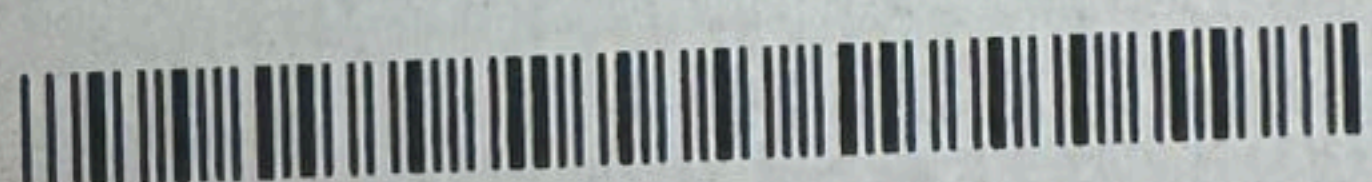
Tobacco	25.00	T
Subtotal	25.00	
Sale Tax	1.50	
Total Sale	\$ 26.50	
Credit/Debit	26.50	
Change	0.00	

VISA DEBIT ... 3260
Auth Code: 437256
Entry Type: CONTACTLESS
AID: A0000000031010
ARQC: DB18ED45C95BE52B
ECRID: 29-1733260469

Sold Items : 1
Verified Age : 21

Thank you for shopping at our store. Our goal is
your satisfaction every time you shop with us.

Please tell us your BOSS Revolution number with
every order to receive BR Club benefits.



Your Cashier : Jessy
Terminal: 26915

12/03/2024 04:14pm, #29

Written Testimony Vapor Worldwide Since 2014 2252

Uploaded by: Eric Frit

Position: UNF



Serving Maryland in Montgomery County Since 2014

**Vapor Worldwide
15906 Shady Grove Road
Gaithersburg, MD 20877**

My name is Eric Frit, I am the owner of Vapor Worldwide in Gaithersburg; we have been serving Maryland adults since 2014 in the same location. Our store, like the other exclusively vapor stores in the state (@200 stores or more), serve only adults over 21 years old. We ID every customer and do not allow anyone under 21 even in the door of our establishments. We also charge and pay the correct 20% vapor sales tax to the state, and we have an e-cig retailer license.

The best way to stop underage vaping, which is on a sharp decline by any responsible measure in the state of MD, is to enforce your existing laws, licensing and taxes on existing vendors. Today MD has 100s of businesses that are not charging the correct vapor taxes, robbing the state and they are not e-cig licensed. **Mark Wright, ATCC Agent in Charge, in his emails attached below, you can see that the ATCC Commission is already aware of at least 50 potential stores in violation. [Email attached below Dated December 12, 2024 6:03AM]**

These are the stores that sell to children, Tobacco cigarettes and vapes, and there is no enforcement of our existing laws and regulations on these businesses by the state of MD.

Why don't we enforce our existing laws and stop the bad operators who are not only robbing the state but selling to our children? I have had email conversations with Senator Kramer's office and been referred to the ATCC, who is supposed to take action on the bad actors. **Since December 2024, nothing has been done to enforce the laws, licensing requirements and taxes on existing businesses, which the state is aware of their bad practices and these bad actors. We have provided** receipts and photos to the Comptroller's office of MD, the ATCC and to the a few senators' offices directly. No one has taken any action to protect the children or collect the taxes due or even see if these businesses have e-cig licenses. Where is the enforcement? If will shut down the bad actors and get the tax revenue the state sorely needs, desperately needs.

We do not need any more vapor legislation. We need to enforce the rules that are already on the books in MD and stop wasting time and money on unneeded legislation. If we shut down the bad actors, we protect kids and we get desperately needed revenue.

The rest of my written testimony is to show that the state is aware of these bad actors, as you can see by my email exchanges copied below. They have so many complaints they don't have a plan. Well let me help, if you have 200 stores to check and two people on staff that know what to do; they can visit up to 5 shops a day and have this solved in under 3 months.

Every day we don't enforce the existing laws leads to more lost tax revenue and more kids buying vapes and real cigarettes from these bad actors that the state has been made aware of and still has taken no action to protect our children.

We don't work for or promote Big Tobacco, we despise them, and I have been on a personal mission in MD to save 1000s of lives from the grips of tobacco smoking over the last 11 years. I have helped save adult lives without selling them to children. Saving people from tobacco use with vaping is real and documented by science.

Please see the attached email exchange and please notice the dates and there has been no action since. Please help us generate millions in tax dollars, stop people from tobacco smoking and not sell to children like we have done for 11 years running in Gaithersburg.

Emails with ATCC and Senator Kramer office BELOW:

Sent: Wednesday, December 4, 2024 1:32 PM

To: Kramer, Ben Senator <Ben.Kramer@senate.state.md.us>

Subject: Illegal vapes for sale. My Dollar & Plus Gaither Road Gaithersburg 20877

Hello Senator Kramer and staff,

I have been a vapor store owner in Gaithersburg for 10 years now. We have had zero violations in that time, we are participating, active members of the Maryland Vapor Alliance, and we support ending youth vaping in the county and the state. Although we haven't supported all the tax decisions around vaping; we do comply with the laws in the state of MD, and we pay the correct tax amounts to the state and County.

However, there are stores popping up all over your district and the state that are selling vapes without proper licensing, without Checking ID Cards, and without paying the MC Vapor wholesale taxes and without charging and collecting the new 20% MD Vapor Sales Tax. Moreover, this store is called My Dollar & Plus. They are selling tobacco and vapor products and I do not even see a MD Trader License displayed that they are a registered E-Cig Vendor or a registered business at all in the state?

I have attached a receipt from 12-3-2024 from their store which is located at 9035 Gaither Road Gaithersburg, MD 20877. You can see they did not charge the proper vapor sales tax. It says they checked ID, but they did not. Finally, we saw THC Delta9 products that are only sold in dispensaries in MD. They have a Cookies brand that is from California and is labeled for MEDICAL USE ONLY, for the state of California. We purchased these products ourselves from their store yesterday, that is how we know they are selling illegal THC products as well as not playing by the same rules that I played by for ten years.

Please do any enforcement of licensing requirements and Tax evasion by small businesses in the county and state. As a point of reference, on May 3, 2024, the MD Alcohol & Tobacco Commission came to our store for an unplanned inspection of our tobacco & THC products. We were given a stamp of Full Compliance including THC-Hemp products at the surprise inspection.

Finally, please see the attached incorrect receipt from My Dollar & Plus and as always, you and your staff are welcome to come see how a vapor store can be open for ten years in your district and not sell to children ever. Stop by and see us anytime, and I truly appreciate your efforts to stop small businesses from selling vapes and illicit THC products to our children. Please call me anytime to discuss, I truly am a Marylander for life (homeowner in MC for 35 years, 2 kids thru MC High Schools, Employer of 6 in MC) and I need your help as the person that represents Gaithersburg, we really need everyone to play by the same rules or the black market just flourishes and kids get vapes from stores like these and then we all lose everything, our kids and our tax dollars. See attached thank you again for your help.

Eric Frit

Vapor Worldwide

15906 Shady Grove Rd

Gaithersburg, MD 20877

Hi Eric,

Thank you for reaching out. Jeff Kelly, my Executive Director, forwarded me your email, and I wanted to personally follow up with you.

As we've looked into this matter, it's become clear that the issue is broader than initially anticipated—potentially state-wide. To address this, the ATCC has assigned a supervising agent, Michelle Bolden, along with two field agents, forming what we're calling the "Vape Team." Their task is to identify Vape businesses operating outside of lawful standards.

This week, the Vape Team met with another vape shop vendor to better understand business operations, identify methods used to avoid proper tax rates, and recognize indicators of tax non-compliance.

Our plan moving forward is to visit all vape shop vendors and retailer locations to assess compliance with legal requirements, including the collection of sales taxes. Businesses found in violation will face appropriate actions, which may include criminal charges, audits by the Comptroller, or both.

To that end, the team is finalizing an operations plan set to begin implementation on January 2. Given the scale of the issue—over 50 potentially non-compliant locations identified so far—we believe this proactive, systematic approach is more effective than responding to complaints on a case-by-case basis.

NOTE TO READER: This plan was sent to begin January 2, it is February 25th, no ACTION has been taken or known to the public.

If you have any additional information or insights, I'd appreciate you sharing them as we move forward.

I tagged Michelle Bolden in this email. Feel free to reach out to her anytime.

I'm also sending your concerns about the unlicensed THC sales to our Cannabis Unit to follow up on.

Best Regards,

Mark

Jeffrey A. Kelly
Executive Director



Office: (410) 260-7104 | Mobile: (410) 320-6985

Email: jeffreya.kelly@maryland.gov



Alcohol, Tobacco, and Cannabis Commission

1215 East Fort Avenue, Suite 300
Baltimore, Maryland 21230

atcc.maryland.gov

--

Mark A. Wright
Agent In Charge



Office: (410) 260-7728 Mobile: (443) 220-6201

Email: mark.wright@maryland.gov



Alcohol, Tobacco, and Cannabis Commission

1215 East Fort Avenue, Suite 300
Baltimore, Maryland 21230

atcc.maryland.gov

SB0918 is an unnecessary and VERY destructive piece of legislation that will NOT achieve its intended outcome, instead it will create a very dangerous BLACK MARKET overnight and will cost the State of Maryland BILLIONS of dollars that could otherwise be spent on other priority budget items and pay for real programs to educate teens about tobacco, vaping and alcohol and deadly fentanyl.

I strongly request that the Committee issue an UNFAVORABLE report on SB0918 to save Maryland businesses and Maryland Adult lives.

Please stop by our store announced or unannounced. Come see all the adults that benefit from vaping, usually temporarily, until they quit tobacco smoking and vaping for good. Learn why flavors matter to adults and how we can easily save the children from vaping not through banning but instead education, facts, common sense, and science and get vapes out of convenient stores NOW.

Continued Success,

Eric Frit
Vapor Worldwide
Gaithersburg, MD
Since 2014

SB Witness Testimony.pdf

Uploaded by: Jenna Anthony

Position: UNF

Jenna Anthony
Regarding Finance Committee Bill SB0918
February 25, 2025

My name is Jenna Anthony. I am a resident and business owner in Maryland. I am testifying about the negative impacts that SB0918 will have on my business, employees, and customers if passed as currently written. I find the bill unfavorable.

As an owner of a small vape shop who focuses solely on selling nicotine products and holds a vape shop vendor license, I am concerned that this bill favors big tobacco and is being submitted under the pretense of consumer protection. However, there is a high risk that this bill will ban lower nicotine vaping products (0mg-12mg nicotine) that are being used by consumers and many other Maryland residents to slowly decrease their nicotine intake. If only closed systems, like disposable devices (50mg or more nicotine) are left on the market, consumers will no longer be able to select their preferred nicotine level.

This bill is also likely to lead to the closure of small businesses like mine, who focus solely on selling nicotine vaping products. We hold a vape shop vendor license, meaning at least 70% of our sales are from vaping products made for nicotine. We are a specialized business that age-gates entry to our store to only those who are 21 years and older as do most others with a vape shop vendor license. We use ID scanners to check everyone's ID that enters and makes a purchase. We are diligent about keeping vaping products out of the hands of teenagers and children. This is not the case for convenience stores and smoke shops that hold only an OTP license. Anyone can enter these stores and they are the main offenders of sales to people under 21. With the passage of this bill and the closure of vape shop vendors, these offenders will be the ones left with the sales of nicotine vaping products.

Shops that hold a vape shop vendor license also create a lot of revenue for the state through the 20% vaping sales tax. The closure of these shops would have a devastating economical impact on the state. The state has also been made aware of many shops that only hold an OTP license without the vape shop vendor license not charging or remitting the proper vape tax to the state. This bill will punish the good faith businesses and reward the businesses that are not following the laws. My employees and employees of these many vape shop vendors will no longer have jobs and will likely have to rely on unemployment if this bill is passed.

In addition, as history has taught us, banning sales of products that consumers want often causes a black market, which is highly likely in Maryland where you can enter several other states with a short car ride. Black Market means NO regulation of these products, which we can agree is not ideal.

This bill lacks a clear process on how the Attorney General of Maryland, who will have sole authority, will determine what products can and cannot be sold. This will likely leave only vaping products produced by big tobacco on the market because they are the ones with unlimited financial funds to meet the proposed requirements.

Let's keep lower nicotine products on the market and vaping product sales in the hands of vape shop vendors that obey the laws, truly care about their customers, and keeping vaping products out of the hands of children and teens. Vape shop vendors are not opposed to regulation, but are opposed to the bill as written due to lack

of clarity, bias for the tobacco industry, risk of bans on lower nicotine products, and the economic impact it will have.

I would like to thank the committee for taking the time to read my testimony and for your considerations of my concerns regarding SB0198.

Testimony-White.pdf

Uploaded by: Jessica White

Position: UNF

Concerns About SB0918:

The bill favors big tobacco and is being lobbied across the United States by Big Tobacco under the guise of consumer protection.

Power of the Attorney General: The bill would give the Attorney General the sole authority to determine which vapor products can be sold in Maryland.

Lack of Clarity: The legislation lacks a clear process or criteria for how the Attorney General will make decisions, raising issues of fairness and consistency. With the cost associated in fees for registering products, it will only leave big tobacco products on the market.

Risk of Product Bans: There is a serious risk that the bill will ban open system vapor products and low-nicotine devices leaving customers who use 3mg nicotine with no options other than high 50mg nicotine options.

Economic Impact: Implementing this legislation could lead to the closure of small vape shops, leaving convenience stores as the primary retailers, which data shows are the primary sellers to teens. Estimates suggest potential economic losses for the state could exceed \$100 million, a conservative figure based on past legislation that affected flavors and would now encompass even more products. This will cause a huge black market as people use online services and other states to get products.

jhayden_letter.pdf

Uploaded by: John Hayden

Position: UNF

Good Afternoon,

I am a long time smoker. I never thought I would be able to get away from smoking cigarettes. I was sick, I was tired and really wanted to feel better! I had a newborn son and wanted to be there for him as he grew up. I knew if I continued on my same path I may not be there for him. My wife switched over to vaping and after seeing her success and her health improving I thought id give it a go. It worked! I felt better than I had in years. I do not ever want to go back to smoking cigarettes! I would quit completely before I risked my health like that again!

Please do not take vape products off the market! We love the convenience and the option we have! It is our choice as the consumer. It is unfair that big tobacco is pushing this. Why? Because they are losing money? Are you willing to put people's lives and health at a risk so that big tobacco can push their product on the people? Are you willing to take away our right to choose to support the agenda of big tobacco? This should not be allowed!

I will never go back to big tobacco! I will take my money to another state where I can purchase vape products even if that means they are black market products. What you are pushing here is disgusting!

John Hayden

Opposition to SB 0918- J.WEBB.pdf

Uploaded by: Joshua Webb

Position: UNF

Opposition to SB 0918: Protecting Small Businesses, Health, and Consumer Choice

Good Afternoon,

I strongly oppose SB 0918 because it threatens small businesses, limits consumer choices, and could hurt public health. While it's being sold as a way to protect consumers, this bill ultimately benefits Big Tobacco at the expense of local businesses and individual choice—something that personally affects me.

Vaping saved my life. I was a long-time smoker, and nothing helped me quit—until I discovered vaping. The ability to choose different nicotine levels and a variety of flavors gave me the flexibility to gradually reduce my nicotine intake and, over time, completely quit smoking. These options allowed me to find what worked for me, helping me to get healthier and breathe easier. I am living proof that vaping can help people move away from harmful cigarettes.

However, SB 0918 could take that choice away from people like me. Here's why I believe this bill is a step backward:

- 1. Big Tobacco Wins, Small Businesses Lose**

SB 0918 is heavily backed by Big Tobacco, and it risks pushing small, independent companies out of the market. The higher costs and complicated rules could make it impossible for smaller businesses to stay afloat, leaving only big tobacco corporations with the resources to survive. That means fewer choices for consumers like me who want safer alternatives to smoking. It's not just about protecting the big guys, it's about taking away options that have genuinely helped many of us.

- 2. Too Much Power in One Place**

The bill gives the Attorney General the sole power to decide which vapor products can be sold in Maryland, but with no clear rules on how those decisions will be made. This opens the door to arbitrary decision-making, making it harder for small business owners to predict what's coming next. I've seen how hard small vape shops work to provide quality products for people like me, and this bill risks taking that away, leaving us with fewer options—and likely, only what Big Tobacco wants to sell.

- 3. Unclear and Unfair Regulations**

With no clear process in place, businesses won't know what to expect, and that's not fair. If it's hard for smaller companies to comply with the bill fees and regulations, they'll be forced to shut down, leaving big corporations dominating the market. The lack of clarity means we'll be left with fewer products to choose from, and for someone like me who found success with vaping, that's a huge setback. Losing these options means I could lose the ability to choose the right product to maintain my health improvements.

- 4. Risk of Losing Favorite Products**

One of my biggest concerns with SB 0918 is that it could ban open-system

vapor products and low-nicotine options. For people like me who use low-nicotine products (like 3mg), this could leave us with only higher-nicotine options (such as 50mg), or worse, push us back to traditional cigarettes. The ability to choose the nicotine level that worked for me was key to successfully quitting smoking, and this bill could take that away. This isn't just about convenience; it's about my health and the health of so many others who rely on these products to stay away from smoking.

5. **Economic Damage to Maryland**

If small vape shops close, it won't just hurt consumers like me—it will hurt the Maryland economy. With more convenience stores being the only retailers left, data shows they are more likely to sell to teens. The potential economic loss to the state could be over \$100 million, and even more concerning, a black market for these products could emerge as people turn to online sources or neighboring states to get the products they need.

Vaping changed my life for the better. It helped me quit smoking, improved my health, and gave me the ability to choose from a range of flavors and products that fit my needs. I worry that SB 0918 will take that choice away from people who are trying to improve their health and will hurt the small businesses that offer these alternatives. I urge lawmakers to reconsider this bill and focus on solutions that protect consumer choice, support small businesses, and help people like me live healthier, smoke-free lives.

Respectfully,

Joshua Webb
8830 Grovers Turn Ln
Owings MD 20736

SB0918.pdf

Uploaded by: Kyle Vega

Position: UNF

Hello, my name is Kyle Vega and I strongly oppose Bill SB0918.

This bill is essentially another attempt to ban vaping across the state, leaving only Big Tobacco with the resources to comply. Small businesses like mine and those we work with will be unable to meet the financial and regulatory demands this bill imposes. Leaving consumers without little option but to go back to smoking and my employees without a job.

Maryland is already facing a significant budget deficit, and this bill's vague and subjective language gives the Attorney General almost sole discretion over compliance. With no clear framework for enforcement, implementing this bill will only drain additional state resources, especially when we can't even manage current compliance, let alone address issues like tracking taxes or ensuring proper licensing.

Unless this bill includes provisions to regulate interstate travel and online sales, it will only fuel the growth of a dangerous black market in Maryland. The reality is that this bill will put small businesses out of operation, causing long-term harm to our local economy.

Instead of this approach, I'd much prefer to see better licensing and more effective enforcement strategies that ensure the state collects the proper taxes and that these products remain available to adults. This would help prevent a return to high-nicotine Big Tobacco products or a return to smoking altogether.

Thank you,

Kyle Vega

Bill SB0918 Opposition.pdf

Uploaded by: Marquis Pittman

Position: UNF

I stand in staunch opposition to SB0918 [Business Regulation - Electronic Smoking Devices Manufacturers - Certifications] proposed by senator Gile.

It is of my opinion that the proposed bill, largely favors traditional tobacco and the industries involved within. Undercutting competition by ways of scrutinization through legislative practices not seen used in any other topics of discussion.

Under the guise of consumer safety, this bill would only serve to severely limit selection of approved e-cigarette devices and promote, by proxy, the continued or increased use of leaf tobacco products that have a proven history of detrimental health effects.

Limiting the selection of these devices in lieu of their deadlier competition is akin to limiting the sale of seltzer alcohol brands as they're not a traditional method of consuming alcohol.

The proposed bill lacks any common clarity, I assume intentionally, making it confusing for laymen on purpose in the hopes that less people on

average understand the effects and ramifications this would have on what has been thus far the most effective method of quitting cigarettes and other unhealthy tobacco products.

Testimony in Opposition to SB0918.pdf

Uploaded by: mathew begley

Position: UNF

Testimony in Opposition to SB0918

Chair, Vice Chair, and Members of the Committee,

I appreciate the opportunity to testify today in opposition to SB0918, a bill that, while framed as a consumer protection measure, raises serious concerns about market fairness, public health, and economic impact. As someone who understands the importance of harm reduction and consumer choice, I urge you to consider the unintended consequences of this legislation.

First and foremost, SB0918 appears to favor Big Tobacco by restricting the market in a way that primarily benefits large corporations. This bill is part of a coordinated effort being pushed nationwide by Big Tobacco interests, leveraging concerns over consumer safety to consolidate their control. By implementing excessive regulatory barriers, this legislation would make it nearly impossible for independent businesses to compete, ultimately limiting consumer choices.

Additionally, the bill grants the Attorney General the sole authority to determine which vapor products can be sold in Maryland, yet it provides no clear guidelines or process for these decisions. Without well-defined criteria, this creates a system vulnerable to inconsistency and potential bias, making it difficult for small businesses to navigate compliance. The high costs associated with registering products would further ensure that only Big Tobacco-backed products remain available.

One of the most concerning aspects of SB0918 is the potential ban on open-system vapor products and low-nicotine devices. Many adults who have successfully reduced or quit smoking rely on 3mg nicotine options, yet this bill threatens to remove them from the market, leaving only high-nicotine (50mg) alternatives. This contradicts harm reduction principles and could push consumers back toward combustible cigarettes.

Beyond consumer impact, the economic consequences of this bill cannot be overlooked. Small vape shops, which provide regulated and responsible access to these products, would be forced to close, shifting sales primarily to convenience stores—where data shows youth access is a greater concern. Estimates suggest Maryland could face economic losses exceeding \$100 million, a conservative figure given the widespread impact of prior regulations on flavors. Additionally, restricting legal access will inevitably fuel a growing black market, as consumers turn to online sources or out-of-state retailers.

In summary, SB0918 is not a consumer protection bill—it is a measure that consolidates control under Big Tobacco, limits consumer choice, threatens harm reduction efforts, and risks significant economic harm. I respectfully urge the committee to reject this bill in its current form and consider legislation that prioritizes public health without eliminating competition and consumer access.

Thank you for your time and consideration.

SB0918opposition.pdf

Uploaded by: Matthew Milby

Position: UNF

2/25/2025

SB0918

Good afternoon, Chair/vice chair members of the committee,

Hello. My name is Matthew Milby and I'm a small business owner in Maryland and also a disabled Veteran and I stand in opposition to this bill.

This Bill SB0918 is nothing but another way to ban vaping across the state unless you have the money and resources to comply which only leaves Big Tobacco's products, what a gift!

A lot of the businesses we deal with are small businesses as well and they will not be able to comply fiscally or with the onerous regulations that this bill will establish.

Right now in Maryland we face a huge budget deficit and this bill is so subjective in nature and gives the AG, for the most part, sole discretion on compliance. With no frame work or mechanisms in place for compliance this is going to cost the state even more money to set all these sytems up and implement especially since we as a state cannot handle current compliance. We are not collecting the correct tax and are not tracking it or ensuring proper licensing.(Ex. We found flower shops selling ENDS) We found EASILY over 50 businesses not paying the proper tax or any tax at all!!)

Unless there are provisions in this bill to police interstate travel and the internet this will ensure that a huge black market comes to MD because this bill will systematically put small businesses out of business.

I would much rather see better licensing and better enforcement as a better way to go to ensure the state gets the proper tax and these products remain available to adults without having to resort to high nicotine Big Tobacco products or go back to cigarettes.

Witness%20Opposed%20to%20SB%200918.pdf.pdf

Uploaded by: Meadow Skipper

Position: UNF

Dear Members of the Maryland General Assembly,

My name is Meadow Skipper, and I am an employee of Vape Jungle, a small business dedicated to providing adult consumers with access to regulated, safer alternatives to traditional tobacco products. I am writing today in strong opposition to SB 0918, a bill that, while framed as consumer protection, ultimately serves the interests of Big Tobacco at the expense of Maryland's small businesses, adult consumers, and public health.

Concerns About SB 0918

SB 0918 grants the Attorney General exclusive power to determine which vapor products can be sold in Maryland. However, the bill does not provide clear guidelines or criteria for how these decisions will be made. This lack of transparency raises serious concerns about fairness, consistency, and potential bias in product approvals. The costly fees associated with product registration would also disproportionately favor large corporations while shutting out small businesses like ours.

Risk of Product Bans & Public Health Consequences

One of the most alarming aspects of SB 0918 is the high likelihood that it will ban open-system vapor products, which are widely used by adult consumers seeking low-nicotine alternatives to cigarettes. This would leave only high-nicotine, pre-filled products—primarily sold in convenience stores—as the remaining options. Ironically, these are the very products most often linked to underage use, as data consistently shows that youth obtain vaping products from gas stations and convenience stores, not specialized vape shops.

By eliminating open-system products, the bill would also drive adult consumers toward either unregulated online websites or back to cigarettes—both of which are far greater threats to public health.

Economic Impact on Small Businesses & the State

The economic consequences of SB 0918 cannot be overstated. Small vape shops across Maryland would be forced to close, leaving only large corporate retailers to dominate the market. This would not only eliminate jobs but also deprive the state of significant tax revenue. Estimates suggest that the financial losses resulting from similar legislation in other states have exceeded \$100 million. Additionally, the bill would encourage consumers to seek products from unregulated online sources or neighboring states, further diminishing Maryland's control over product safety and taxation.

A More Balanced Approach

If the goal of SB 0918 is truly to protect consumers, then a more balanced approach is necessary—one that includes transparent product approval processes, fair regulatory costs for

small businesses, and a focus on keeping vapor products out of the hands of minors without eliminating responsible adult access.

I urge you to reconsider this legislation and work toward a solution that does not hand the vaping industry over to Big Tobacco while pushing small businesses and consumers into the shadows. Thank you for your time and consideration.

Not to mention -

This would put several people like myself out of work. Working to help people quit smoking cigarettes has been a dream. We follow every law put in place to keep young vapers off the streets and make sure our products are sincere and safe. We buy from honest distributors to make sure our devices and vapes are regulated and won't cause consumers issues along the line.

Non vape shops like gas stations and supermarkets, etc. - Will purchase from anyone they can online, not having any knowledge of the products they are selling. This could cause harm to unknowing customers and these other sellers are the cause of young people getting their hands on e-cigarettes and disposable vapes.

If you actually look at the studies from 2024, vaping amongst youths has been the lowest it has ever been in recent times. The main problem is **actually** tobacco pouches they can buy from any convenience store. This is the real problem, not vape shops like my own.

Sincerely,
Meadow Skipper
at Vape Jungle Lothian

skippermeadow@gmail.com

443 (822)-5869

SB0918 Testimony.pdf

Uploaded by: Melissa Hendrix

Position: UNF

Melissa Hendrix

114 Tennessee Road

Stevensville, MD 21666

We already have a registry, all the companies that want to sell here in the state of Maryland must register with the state of Maryland to sell here. Currently I'm dealing with that as a small business. I have a few companies that I am unable to purchase through because they are not registered here with the state of Maryland. Not sure why we need this bill which adds an underfunded Maryland with more work to do in which you haven't done the work already. I have 3 companies that are parallel to my road that are currently not charging the correct tax on their products. I have lost lots of business in competition with these companies and many others within our little organization who are trying to help you with making good regulation within our state. However, the only people you hurt is my business who continues to pay you the correct tax and upcharge on the current license fee to my business and yet again I get hit with another fine and I will pay and so will the good actors which is a small few within our industry these days. However, this will not continue to happen. I am willing to help but you don't want to listen!!

Adding 1000\$ per sku to each of our manufacturers annually to sell here and then to have them set up 75,000 escrow account is crazy. We are not big tobacco we are only trying to help people get off cigarettes with a better alternative. Most companies have not been in business long enough to acquire that much money. Not only that but I know of over 70 companies that are not selling the product for the correct amount of tax. We are at a 20% tax currently and I have been to so many stores that are selling products for either no tax or a 6% tax or very few maybe 3 are at 12%. If the state of md cannot even inform and the enforce what we have here I don't understand how what you have proposed will even work? Especially when we already have it laid out.

I am a small business taking pride in what I do because I have seen just about my whole family get off smoking and vaping plus so many customers. I am

one you want here in the state I enforce the state ID laws, state tax laws, and whatever else you throw at me and my business. However, it is getting harder and harder when the state of Maryland doesn't take my small business into account when I'm competing with companies who are not abiding by the state tax or the ID laws, they make more than me all the time. If you want to lose companies such as myself and all the other small businesses here then don't listen and continue to add more work for yourself with no money you have. We already have a framework outlined use what we already have and stop adding to it to give one person power the AG!!

Testimony.pdf

Uploaded by: NICHOLAS ANTHONY

Position: UNF

Nicholas Anthony
2027 Old Home Ave
Pasadena, MD 21122

Firstly, I'd like to thank the members of the committee for hearing our concerns today regarding SB0918. My name is Nicholas Anthony and I'm writing today in opposition of the proposed bill.

The text of the bill is extremely alarming as it is another glaring example of a bill tailored to benefit the interests of big tobacco. If passed, this bill would remove diversity from the market leaving only products manufactured by big tobacco companies and limit the choices of consumers to only EXTREMELY high nicotine content products. It should go without saying that this is an awful idea and poses a huge risk to the health and well being of millions of Marylanders.

Further, this bill would all but ensure the closure of thousands of small businesses who offer products that compete with the aforementioned big tobacco products. Products that not only compete with but, in fact, offer a lower dose of nicotine to the end user. Marylanders who currently are cutting down their use from, say, 12mg to 6mg or 3mg, would be forced to decide between going cold turkey and quitting or being forced to use devices that are 50mg of nicotine. It doesn't take a statistician or panel of experts to see that this is not in the best interest of your constituents.

The economic impact of this bill is likely to be devastating as well. Maryland vape shops that sell open systems (lower nicotine devices) account for a HUGE portion of monthly sales tax revenue that the state depends on to keep our deficit somewhat manageable not to mention these shops employ thousands of Marylanders.. Losing that revenue would be substantial and potentially catastrophic. Losing the jobs could also put further unnecessary strain on our unemployment insurance programs.

I urge the committee to see this bill for what it is. Another attempt of the tobacco industry to pass legislation to further its interests at the peril of Marylanders and Maryland small businesses.

Thank you for your time.

Nicholas Anthony

phayden_letter.pdf

Uploaded by: Patricia Hayden

Position: UNF

Good afternoon and thank you for reading this.

I am a former cigarette smoker. I first picked up a cigarette when I was 13 years old and became addicted very quickly. I smoked cigarettes for 20 years. One day I woke up and felt very unhealthy so I started working on my health, one of these things was getting back into the gym. I noticed very quickly that I couldn't run for more than 10 seconds without struggling to breath! I thought, "this is horrible, Im 33 years old and should be in excellent shape! I eat right and focus on my health..... why am I struggling?"

I knew right away it was the cigarette smoking that caused me to feel awful, to have a continuous hacking cough and the inability to breathe when I exercised or simply walked up the stairs. I decided to try to quit again. In the past I had tried numerous times to quit using the patch, the gum and prescription medication. Nothing had worked! I had heard about vaping through a friend and decided to give it a try. I started with a small vape pen and a flavor similar to my favorite brand of cigarettes. Over the course of the next year I was able to control and slowly lower my nicotine dose to the point where I was only vaping for the habit and no longer addicted to nicotine. I also moved away from cigarette flavors into something more enjoyable. I am now 44 years old and have not touched a cigarette in 11 years because I know what they did to my body! I will never go back to that feeling!

Throughout this entire journey I also noticed I no longer coughed up mucus and phlem every morning and I could finally run! I participated in numerous races through the years including the Cherry Blossom 10 miler all while still vaping. I never would have been able to accomplish this if I had continued smoking cigarettes. This is very near and dear to my heart. I want to see others succeed in quitting, focus on their health journey and all of us become healthier as a nation.

Do not take vape products off the market. When I first started vaping I did not have the convenience of running to my local shop to grab what I needed. I had to order questionable products offline hoping they were safe. These products came from out of state. The convenience of having my local shops and knowledgeable staff that can answer my questions and help me meet my goals is unmatched!

Many including myself would not go back to smoking cigarettes. We would find the products we like, the products we as consumers want and order them by any means possible whether that is out of state or on the black market.

Thank you.
Patricia Hayden

Opposed SB0918.pdf

Uploaded by: Pearl De La Rosa

Position: UNF

I **do not** favor SB0918 for several compelling reasons:

The bill appears to prioritize the interests of big tobacco companies under the pretense of consumer protection, which raises ethical concerns about the true motivations behind its promotion.

Granting the Attorney General unilateral control over the approval of vapor products undermines checks and balances, potentially leading to arbitrary decision-making that could harm consumers and businesses alike.

The absence of a clear framework for how the Attorney General will evaluate products fosters uncertainty and inconsistency, disproportionately disadvantaging smaller businesses that may struggle to meet undefined criteria.

The bill risks eliminating open system vapor products and low-nicotine options, which could severely limit choices for consumers, particularly those seeking lower nicotine alternatives, ultimately driving them toward higher-nicotine .

The legislation threatens to drive small vape shops out of business, consolidating sales within convenience stores—often the primary points of sale for underage consumers. This could lead to significant economic repercussions for the state, with potential losses exceeding \$100 million, as well as an increase in black-market activity as consumers seek alternatives.

In summary, SB0918 poses significant risks to consumer choice, small businesses, and the economy, while seemingly serving the interests of large tobacco corporations.

testimony.pdf

Uploaded by: Richard Wisniewski

Position: UNF

02/25/2025

SB0918 – Opposed

To Whom It May Concern:

My name is Richard Wisniewski. I am a co-owner of Class 5 Vapor in White Marsh, Maryland. I have owned and operated Class 5 Vapor since 2015.

This Bill and similar Bills are small business killers. Reputable vape stores aren't the reason these Bills get introduced. Gas stations, convenience stores, smoke shops, and social media platforms are where minors are obtaining their products. Most of the aforementioned businesses go unmonitored and unreported. Those that do get reported are not punished and continue with business as usual, providing poor quality products, selling to minors and not collecting the appropriate taxes. Therefore, the State of Maryland is also losing revenue. Vape products should be banned from these types of stores and only sold by reputable retailers who want to offer a safer alternative to adult smokers.

The Attorney General should not have sole authority to determine what vape products can be sold in the State of Maryland. This Bill seems to suggest the banning of open system vapor products and low-nicotine devices. This will be detrimental to customers who are trying to ween themselves off of nicotine or who are unable to quit but want to use less nicotine. The open system allows customers to start at the same nicotine level as a cigarette and gradually weening themselves off of nicotine. Then the customer can work on the hand to mouth addiction associated with daily activities without the withdraw of nicotine. Making it easier for them to accomplish their goal of quitting.

This bill will cripple reputable retailers who are following the rules. The solution is better licensing and removing the products from convenience stores, gas stations, and other outlets shown to be irresponsible.

Thank you,
Richard Wisniewski

SB0918 Robert.pdf

Uploaded by: Robert Miss

Position: UNF

Robert Miss Jr.

3814 28th Street

Chesapeake Beach, MD 20732

Subject: Opposition to SB 0918 – Concerns Regarding Unfair Market Advantage & Public Impact

I am writing to express my strong opposition to SB 0918, which I believe poses significant risks to small businesses, consumer choice, and public health in Maryland. This bill, while seemingly designed to regulate vapor products, ultimately benefits Big Tobacco and threatens small businesses and consumers who rely on open vapor systems as a reduced-harm alternative to smoking.

My concerns with SB 0918 include the following:

1. **Unfair Favoritism Toward Big Tobacco:** The bill is being lobbied under the guise of consumer protection but primarily benefits large tobacco companies, creating an uneven playing field that drives out small businesses.
2. **Excessive Authority Given to the Attorney General:** This legislation would grant the Maryland Attorney General sole authority to determine which vapor products can be sold in the state. However, the bill lacks clear guidelines or a transparent process for how these decisions will be made. This raises serious concerns about fairness, consistency, and the potential for arbitrary exclusions of products.
3. **Unattainable Fees for Small Businesses:** The fees associated with this legislation will be prohibitive for small, independent vape shops, effectively ensuring that only Big Tobacco can afford to stay on the market. This could lead to the closure of many Maryland-based vape retailers, eliminating jobs and reducing tax revenue for the state.
4. **Elimination of Low-Nicotine Vapor Options:** The bill poses a significant risk of banning open vapor systems, which allow consumers to use lower nicotine levels (such as 3 mg or lower). If these options are removed, consumers will be left with only high-nicotine alternatives (such as 50 mg and above), which is counterproductive for harm reduction and could push former smokers back to combustible tobacco products.
5. **Economic Consequences & Unregulated Black Market Risk:** Data indicates that small vape businesses are not the primary sellers of vape products to underage individuals. Instead, larger convenience stores are responsible for the majority of underage sales. By forcing small vape shops out of business, SB 0918 would not

only cause economic losses for Maryland but also create a dangerous, unregulated black market where consumers will turn to obtain the products they need. This would undermine public safety and make it harder to ensure proper age restrictions and product quality controls.

I urge you to reconsider the impact of SB 0918 and oppose this legislation in its current form. Instead of granting unchecked power to the Attorney General and favoring Big Tobacco, Maryland should focus on fair, clear, and balanced regulations that protect small businesses, consumers, and public health.

Thank you for your time and consideration. I would appreciate the opportunity to discuss this matter further and provide additional insights into how this bill will negatively impact our community.

Sincerely,

Robert Miss Jr.

3814 28th Street

Chesapeake Beach, MD 20732

2025MDSB918written testimonyFINAL.pdf

Uploaded by: Ronald Ward

Position: UNF

Ronald A. Ward Jr., Esq.
Owner
The Vapers' Edge
8116-A Harford Road
Parkville, MD 21234
443-725-5251
thevapersedge@gmail.com

Written Testimony

To: Maryland Senate Finance Committee
From: Ronald A. Ward Jr.
Date: February 25, 2025
Re: Opposition to Maryland Senate Bill 918

I. Introduction

My name is Ronald Ward and I am a life-long resident of Maryland. I have been an Electronic Smoking Device (hereinafter “ESD”) user for over 15 years, an ESD advocate for over 13 years and have owned an ESD store (vape shop) in Baltimore County, MD for the past 11 years.

II. Overview of Senate Bill 918

SB 918 proposes an effective prohibition on virtually all vaping products currently on the market. It is the product of big tobacco companies looking to take over the ESD market, sell more cigarettes and make ESD products essentially unavailable. This would also allow the big tobacco companies, bad actors and illegal online retailers to hijack the industry. That is due to the fact that Senate Bill 918 demonstrates a fundamental misunderstanding of the industry that it seeks to regulate.

On its face and even without the benefit of an existing Fiscal Note which as of today, it is evident to anyone who understands the ESD industry that this Bill would have a devastatingly negative economic impact on ESD businesses, the State and its revenue. The fiscal analysis must calculate both sides of the balance sheet. The State must account for the tens of millions of ESD revenue that it will lose to this legislation. In addition, it would place an unfeasible, ineffective and fiscally irresponsible burden on State agencies. SB 918 would create an unworkable Law that would eliminate Maryland ESD revenues.

III. Big Tobacco Interests and the Black Market

There is a reason why Altria—America’s largest cigarette company—is such a fervent advocate for registries or “certification”, as it is named in this Bill. Those very companies blamed ESDs for causing their cigarette sales to decline faster than anticipated. Altria's advocacy suggests a strategic interest in making quality vaping products less accessible, leaving only their products on the market; driving adults back to smoking cigarettes and/or leading to a larger, already existing, black and grey market.

Actually, the big tobacco company lobbyists have been shopping this legislation in most of the country for two or more years. They attempted to achieve passage of a similar Bill last session. They have also been shopping Offices of the Attorney General in a number of States, including Maryland, to create ESD Registries. This is nothing more than an attempt to destroy the existing ESD industry in Maryland in favor of a handful of big tobacco ESD products. Keep in mind that big tobacco companies derive a very small percentage of their profits from the sale of ESDs. Furthermore, the big tobacco companies have already admitted that ESDs are significantly cutting into their cigarette profits. Therefore, the utter elimination of their competition in the ESD market would benefit their deadly cigarette and very small ESD business. Also, make no mistake, this Bill might look different from last year's version, but it has the same effect desired by big tobacco.

One particular section of the Bill illustrates how it completely favors the interests of big tobacco. Section 16.7-306(A)(1) requires that, before inclusion, an ESD manufacturer shall deposit and maintain \$75,000.00 in an escrow fund. This would, in effect, price out just everyone in the industry, but for big tobacco, who have the deep pockets to afford this cost.

This Bill would devastate mom and pop Maryland Vape Shop businesses, eliminate nearly all ESDs from the legitimate market, expand an existing ESD black market, allow bad actors in the industry to run amuck which creates a situation forcing former smokers back to the deadly habit.

IV. FDA PMTA Implications

In Section 16.7-302(c)(3), page 12 line 32 to 33, and pages 13 lines 6 to 8, of this Bill:

“(C) AN ELECTRONIC SMOKING DEVICES MANUFACTURER SHALL FURTHER CERTIFY THAT THE ELECTRONIC SMOKING DEVICES MANUFACTURER:

(3) IS IN FULL COMPLIANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL LAWS REGARDING THE MANUFACTURE AND SALE OF ELECTRONIC SMOKING DEVICES”.

This section acts as an industry killing catch-all that subjects certification of ESDs in Maryland to the Federal law, namely making it subject to the FDA Pre-Market Tobacco Application (hereinafter “PMTA”) process. As stated previously, Senate Bill 918 is no different than last year's House Bill 1033.

The FDA PMTA process has been fraught with problems since its inception. Additionally, it is a process that, at this time, is far from complete. The FDA process is so flawed that the Fifth Circuit United States Court of Appeals recently ruled that the process, for many reasons, was “arbitrary and capricious”. Therefore, they remanded to the FDA in order for the agency to correct these serious problems with the PMTA process. That case was granted a Writ of Certiorari by the United States Supreme Court. Oral arguments were heard in December of 2024. Many companies have subsequently filed suit against the FDA and there are more to come

in the future. Therefore, this proposed legislation is premature as the Courts have yet to provide clarity on this issue.

V. Conclusion

Thank you for considering my testimony. For the reasons set forth above, I recommend that the Senate Finance Committee issue an unfavorable report for Senate Bill 918. Before voting favorably for this Bill, I invite the members of this Committee to investigate the negative public safety, criminal and serious fiscal implications of the Bill. If this Committee has any inquiries or requests for supporting documentation, please feel free to contact me and I will promptly provide said documents. I would also appreciate a conversation with any member of this Committee or their staff regarding SB 918.

MVA SB918 Oppose.pdf

Uploaded by: Tyler Bennett

Position: UNF

Maryland Vapor Alliance

SB918 - Oppose

Chair Wilson and Honorable Members of the Committee:

On behalf of the **Maryland Vapor Alliance**, which represents small business vape shops throughout the State of Maryland, we are writing to **strongly oppose SB918, *Business Regulation – Electronic Smoking Devices Manufacturers – Certifications***. We share the goal of keeping tobacco and vaping products out of the hands of minors and ensuring consumer safety. However, as small business owners, we have serious concerns that SB918's approach will **unintentionally harm lawful small businesses, eliminate products that adult ex-smokers rely on, and reduce state revenue**, without effectively addressing the root issues. Below, I outline our key concerns and suggest alternative solutions.

Uncertainty in the Product Certification Process

SB918 would create a new **product certification and directory system** for vapor products. Unfortunately, the process as written is **ambiguous and unpredictable**, leaving small vape shops in constant doubt about which products we will be allowed to carry:

- **Subjective Approval Criteria:** The bill empowers the Attorney General to decide which products get listed on a state “approved products” directory based on broad criteria. Manufacturers must submit extensive annual certifications for each product, including marketing plans and even product samples. The Attorney General can refuse to list a product if, for example, it is deemed “**intended to appeal to youth**” or if it might “**disguise or misrepresent the nature of the product.**” While we absolutely agree that products should not target youth, these standards are **highly subjective**. The bill provides no clear definitions for what “appeals to youth” or “misrepresents” a product. This means a flavor or package design could be barred on the **uncertain interpretation** of regulators. Small businesses have no way to predict which of our inventory items might suddenly be prohibited under such subjective rules.
- **Lack of Clarity on Allowed Products:** As of today, **very few vaping products have full FDA marketing authorization** (on the order of only a couple dozen nationally), and those tend to be products made by the largest tobacco companies with very high nicotine levels. Many reputable vaping products are still awaiting FDA review, have pending applications, or tied up in litigation. SB918 does not clearly state whether products with pending federal applications would be allowed, or if only fully FDA-authorized products can be sold. This ambiguity is alarming. If the intention is to only allow FDA-authorized products, it could **wipe out the majority of vapor products currently on the market**. Even if pending products are allowed temporarily, the backlog in the FDA process means **continued uncertainty** for years to come. We, as small retailers, literally do not know if the products we sell today will be legal to sell next month or next year under this bill.
- **Timing and Administrative Burden:** The bill requires manufacturers to submit certifications by June 30 each year, after which the state will update the directory of permitted products. It is unclear how quickly this directory will be published or updated,

or how changes will be communicated. If a manufacturer misses the deadline or a new product comes to market mid-year, will shops have to pull those products from shelves immediately? The **fluid nature of the vapor market** – where adult consumers often seek new and improved products – is at odds with a rigid yearly certification. The likely result is **fewer available products** and constant last-minute changes. Small shops lack the compliance departments of big companies; we cannot navigate such a complicated process without mistakes. We fear inadvertent violations if a product we stock falls off the approved list without our knowledge. This uncertainty alone could drive many of us to drastically cut our product offerings or even close our doors.

In summary, the **ambiguity in SB918's product certification process creates an unpredictable business environment** for Maryland vape shops. We risk being in compliance one day and out of compliance the next, through no fault of our own, simply because of an opaque approval process. This is a frightening prospect for any small business owner.

Economic Impact on Small Businesses and State Revenue

Beyond the procedural uncertainties, SB918 poses a direct threat to the **economic viability of Maryland's small vape shops** and could significantly **reduce tax revenues** for the state:

- **Inventory Losses and Financial Strain:** If many products are denied certification and removed from the marketplace, vape shops will be left with **unsellable inventory** that we have already paid for. Our customers will have fewer choices, leading to **lower sales**. Unlike big chains, independent vape shops specialize in these products – if we cannot sell the top-selling e-liquids or devices that our adult customers want, we cannot simply fall back on other merchandise. The result will be severe revenue declines for our stores. Many of us operate on thin margins; a sudden removal of even 20-30% of products could turn a profitable shop into one that can't pay its rent and employees. It's no exaggeration that some shops would likely **go out of business**, costing Maryland jobs and community-serving small businesses.
- **Loss of Tax Revenue for Maryland:** Reduced sales don't just hurt shop owners – they hurt the state's budget. Maryland imposes a special sales tax on electronic smoking devices (currently **20% on most vaping products, and 60% on certain smaller containers** of vaping liquid). In other words, every legal sale of a vape product contributes extra tax dollars to Maryland's general fund. If SB918 leads to products being banned or consumers turning away from legal purchases, the state will lose significant revenue. The Department of Legislative Services acknowledged this in a recent bill analysis: **any measure that reduces the amount of vaping products sold will cause a decrease in state tax revenues**. Statewide, the loss of sales due to product restrictions could easily amount to **multiple millions of dollars in lost tax revenue annually**. This comes at a time when Maryland is also working to fund important programs; we should not inadvertently create a budget hole.
- **Unfair Competition and Black Market Risk:** If Maryland restricts products that neighboring states allow, consumers might **cross state lines or go online to buy** their preferred vaping products. That means Maryland businesses lose out to out-of-state retailers. Even more worrisome, history shows that when legal, regulated products are too

limited, **black markets thrive**. We saw this with the prohibition era and more recently with high tobacco tax differentials. Customers desperate for a specific vape device or flavor that isn't on Maryland's "approved" list may seek out informal or unlicensed sellers. Those illicit sellers won't adhere to age checks or pay Maryland taxes. Driving sales underground is dangerous for consumers and deprives the state of revenue. As a lawful retailer, I have every incentive to keep age-restricted products out of minors' hands and to follow safety regulations. But I cannot do that job if my business is undercut by an unregulated market spawned by overly broad prohibitions.

In short, the economic fallout of SB918 could be severe. **Small businesses will suffer or shutter**, employees will lose jobs, and Maryland will lose tax income that currently funds public services. All of this pain comes without clear evidence that the bill will achieve its public health goals more effectively than existing laws.

Consumer Choice and Harm Reduction for Adults

Perhaps our greatest concern is that SB918, though well-intentioned, will **significantly reduce adult consumers' access to the very products that have helped many of them quit smoking** – a goal that we all share. It is crucial to remember that **vaping products are not equivalent to cigarettes**; for many adult smokers, they are a **harm reduction tool** and a lifesaver. Here's why consumer choice must be preserved:

- **Vaping as a Less Harmful Alternative:** Extensive research has found that **vapor products are far less harmful than traditional combustible cigarettes**. Notably, Public Health England (the UK health agency) concluded that **e-cigarettes are around 95% less harmful than smoking**. While vaping is not risk-free, the **absence of tar and combustion** means dramatically lower levels of carcinogens and toxins. For a lifelong smoker who cannot quit nicotine easily, switching to vaping can literally be a life-changing improvement in health risk. Our customers include middle-aged and senior citizens who had smoked for decades and finally quit cigarettes by transitioning to vaping. **Those success stories depend on having the right flavor or nicotine strength that works for that individual smoker.**
- **Importance of Flavor Variety and Product Diversity:** A key to vaping's success as a cessation aid is that it is **not one-size-fits-all**. Adult vapers have different preferences – some need a tobacco flavor initially, others can only stay away from cigarettes if they find a pleasant flavor like mint, fruit, or vanilla that replaces the taste of burning tobacco. Many customers also gradually step down their nicotine levels using refillable devices and liquids that come in various strengths. By potentially **eliminating most flavored or innovative products**, SB918 would force all vapers into a very narrow selection (possibly only tobacco-flavored, high-nicotine products made by a few big companies). This would be a disaster for public health. **For many ex-smokers, if their chosen vape flavor or product is taken away, they will relapse to smoking** – a far more dangerous outcome. In fact, studies of tobacco control have warned that **punitive restrictions on vaping can push vapers back to cigarettes**, negating harm reduction gains. A recent analysis in Minnesota found that thousands of smokers did **not** quit cigarettes as expected when a 95% tax hike made vaping more expensive – they stuck with smoking instead

([Vaping Taxes by State, 2023 | E-Cigarette and Vape Tax Rates](#)). We risk the same backfire effect here: by making vaping products scarce or unappealing, some adults will return to deadly combustible tobacco.

- **Consumer Rights and Informed Choice:** Adult consumers should be treated as capable of making informed choices about **legal products for their health**. Maryland has already taken strong steps to prevent youth access (the minimum age is 21, and retailers must be licensed). Those who oppose vaping often conflate adult use with teen use. But we must acknowledge that **for adult smokers trying to quit, vaping is a legitimate and often doctor-recommended option**. Even the FDA recognizes a “continuum of risk” for nicotine products – with cigarettes at the most harmful end and alternatives like nicotine patches, gum, and yes, vaping, at the less harmful end. If SB918 implementation ends up removing flavored nicotine vapes, it would effectively deny adults a choice of a reduced-risk product, even as cigarettes remain freely available on every corner. This does not make sense from a public health perspective: it would be a tragic irony to make it easier to buy a pack of Marlboros than to buy a flavored vape that helped someone quit Marlboros.

In summary, **consumer choice is not a luxury in this context—it is an essential component of tobacco harm reduction**. We urge you to consider that SB918’s restrictive approach could undermine years of progress in reducing smoking rates, by unintentionally pushing former smokers back to a far more harmful habit.

Alternative Regulatory Measures

We firmly believe there are **better ways to regulate vaping products** and address public health goals **without crushing small businesses** or limiting adult consumer options. Rather than the heavy-handed product directory in SB918, we propose the committee consider the following alternative approaches:

- **Enforce Existing Age Restrictions and Licensing:** Maryland already has strong laws prohibiting sales to minors (under 21) and a licensing system for vape retailers. The focus should be on **strict enforcement of these laws**, including regular compliance checks and hefty penalties for any retailer that sells to youth. By directing resources to enforcement, we can target the bad actors who break the law, **without burdening legitimate businesses**. In fact, last year the legislature discussed increasing fines and mandatory license suspensions for selling to minors – measures we support. Ensuring every retailer is following ID check laws will do far more to curb youth vaping than a complicated product registry.
- **Collaboration with Industry for Clear Standards:** A constructive alternative would be to work *with* responsible manufacturers and retailers on **clear marketing and packaging standards**. For instance, the state could prohibit packaging that mimics children’s cartoons or candy brands (many reputable companies already avoid this), require clear labeling of nicotine content, and ban any advertising that explicitly targets underage audiences. These standards would directly address youth appeal concerns without requiring each product to be individually blessed by the Attorney General. Small businesses would know the **rules of the road upfront** – e.g., no unicorn cartoons on

bottles, no names like “cotton candy” – and could avoid stocking products that violate those rules. This approach sets **bright-line rules** instead of case-by-case decisions. It would be far more workable for us and still achieve the goal of keeping kid-attractive packaging off the shelves.

By adopting these alternative measures, Maryland can **strike a balance** – protecting youth and public health while also preserving a pathway for adult smokers to quit and allowing small businesses to survive. Other states are grappling with this same challenge. Notably, some are focusing on strengthening age verification and penalizing retailers who knowingly sell illegal or unapproved products, rather than imposing broad product bans. This balanced strategy recognizes the concept of **harm reduction**: it’s more effective to reduce the harm of smoking by guiding smokers toward safer alternatives than to attempt an outright elimination of those alternatives. In the long run, encouraging smokers to switch to regulated vaping products (and then perhaps to no nicotine at all) will save more lives than creating strict new prohibitions that might drive them back to cigarettes.

Conclusion

In closing, I urge the committee to **consider the real-world consequences** that SB918 would have on Maryland’s small business vape shops and the customers we serve. The bill’s **uncertain product certification process** would leave us guessing what we can stock, threatening our livelihoods. Its implementation would likely **wipe out many products**, resulting in substantial **lost revenue for the state** and the **closure of local businesses**. Most importantly, it would deprive adult ex-smokers and smokers trying to quit of the **diverse choices of vaping products that have been proven to help reduce tobacco-related harm**.

We all support sensible regulation to keep these products away from youth and to ensure safety and quality. But SB918, as written, overshoots that mark and risks doing more harm than good. As a small business owner on the front lines, I can attest that our industry is willing to work with lawmakers on smart regulations. Worse yet, public health experts caution that such measures could **undermine smoking cessation efforts** by removing reduced-risk alternatives and pushing people back to smoking.

Maryland has an opportunity to be a leader in **balanced tobacco control policy**. We can **protect youth, sustain harm reduction for adults, and keep our small businesses open** all at the same time. I respectfully ask you to reject SB918 in its current form and consider more effective, balanced approaches as outlined above. Let’s craft a solution that addresses the real problems (youth access and illicit products) **without sacrificing the health of former smokers or the survival of lawful small businesses**.

Thank you for your time and consideration. I am happy to answer any questions and to work with lawmakers on better solutions. Maryland’s vape shop owners stand ready to be partners in reducing smoking and youth vaping – we ask only that you not regulate us out of existence in the process.

Contact

Candice Gott
candicedeane@hotmail.com

Tyler Bennett
tbennett@compassadvocacy.com