

WRITTEN TESTIMONY BY DAVID A. NAIMON

ON HOUSE BILL 1469 REGARDING THE SUGARY BEVERAGE DISTRIBUTOR TAX

AT THE HOUSE WAYS AND MEANS COMMITTEE 3-6-2025

Chair Atterbeary, Vice Chair Wilkins, and Members of the Ways and Means Committee, my name is David Naimon, and I'd like to thank you for the opportunity to submit this written testimony. I'm testifying today in support of House Bill 1469, which would impose a tax on certain distributors of certain sugary beverages, syrups, and powders offered for sale in Maryland. I'd like to compliment Delegate Shetty and Delegate Peña-Melnik for this inspired legislation. While I'm not a nutritionist, until my retirement from the federal government last year, I was a career federal public health lawyer at the U.S. Department of Health and Human Services (HHS) for more than 20 years, and I worked closely with the professionals who helped develop the federal Dietary Guidelines for Americans through multiple editions of those Guidelines. The U.S. Department of Agriculture (USDA) and HHS work together to update and release the *Dietary Guidelines* every five years. Each edition of the *Dietary Guidelines* reflects the current body of nutrition science. You can learn more about them at <https://www.dietaryguidelines.gov/>.

HB 1469 is potentially a revenue raising, public health measure, and cost containment measure all at the same time. I gather this bill may have been assigned to Ways and Means because it's a tax bill, but HB 1469 is very much a public health bill too. Lots of very reputable public health sources say that consuming too much added sugar is a health hazard, and that there's a big difference between *added* sugar and *natural* sugar. The federal Dietary Guidelines say it here: https://www.dietaryguidelines.gov/sites/default/files/2021-11/DGA_FactSheet_AddedSugars_2021-06_508c.pdf. The CDC discusses this at <https://www.cdc.gov/nutrition/php/data-research/added-sugars.html>. The American Heart Association discusses it here: <https://www.heart.org/en/healthy-living/healthy-eating/eat-smart/sugar/sugar-101#>. MD Anderson Cancer Center says it at <https://www.mdanderson.org/cancerwise/natural-versus-refined-sugar--what-s-the-difference.h00-159465579.html>. This article gives what seems to me (as a non-expert) like a good explanation on why fruit sugars are different from added sugars: <https://www.medicalnewstoday.com/articles/325550#fruit-sugars-vs-other-sugars>.

The bill also covers artificial sweeteners, which also are a health hazard. While critics may be right that drinks with artificial sweeteners may not technically be "sugary," they're still unhealthy (personally I avoid them more than I avoid added sugar). MD Anderson explicitly says that artificial sweeteners should be avoided too. There's research about artificial sweeteners being associated with a variety of health issues, and some research that some artificial sweeteners actually lead to binge eating, completely defeating the point of consuming fewer calories in drinks by causing artificial sweetener consumers to consume more calories in food. I don't think the bad health effects of artificial sweeteners are controversial among scientific experts (perhaps excluding those funded by the industry).

I know the General Assembly has big decisions ahead concerning a lot of possible ways to raise revenue, and I couldn't find a Fiscal Note for this bill yet. But HB 1469 clearly would raise needed revenue – first for school meals and child care subsidies, and then for general funds. By raising the price of sugary products, it would encourage Marylanders to consume less added sugars and sweeteners. If Marylanders adopt healthier habits and consume less added sugars and sweeteners over the long term, these tax provisions may eventually raise less revenue after a while, but then the State would save on Medicaid costs -- not only because of reducing obesity but also reducing heart disease, cancer, liver disease, stroke, and cognitive decline, all of which are associated with added sugar consumption. Why not raise revenue in a way that also would help public health?

Thank you for this opportunity to present my views.