

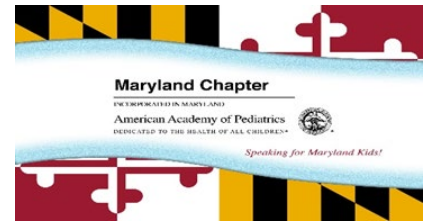
HB1282_FAV_MedChi, MDAAP_Tobacco Products, Other T

Uploaded by: Christine Krone

Position: FAV



The Maryland State Medical Society
1211 Cathedral Street
Baltimore, MD 21201-5516
410.539.0872
Fax: 410.547.0915
1.800.492.1056
www.medchi.org



House Economic Matters Committee
March 4, 2026

House Bill 1282 – *Tobacco Products, Other Tobacco Products, and Electronic Smoking Devices – Advertising to Minors – Prohibition*
POSITION: SUPPORT

On behalf of MedChi, The Maryland State Medical Society, and the Maryland Chapter of the American Academy of Pediatrics, we submit this letter of **support** for House Bill 1282.

House Bill 1282 prohibits a licensed seller from advertising or marketing tobacco products, other tobacco products, or electronic smoking devices in a manner that targets or is designed to appeal to individuals under the age of 21. The bill restricts the use of imagery, symbols, or other promotional strategies that are particularly attractive to youth and limits advertising in locations or formats where a substantial portion of the audience is under 21.

Tobacco use remains a leading cause of preventable disease and death in Maryland and around the nation. The consequences of tobacco use and nicotine addiction are well documented, including life-threatening conditions such as cancer, heart disease, stroke, and chronic lung disease. The rise of electronic smoking devices and other flavored nicotine products has created a new pathway to addiction for adolescents and young adults.

Marketing plays a powerful role in shaping youth behavior, and exposure to tobacco advertising increases the likelihood that young people will start using nicotine products and become long term users. Adolescents are particularly vulnerable to nicotine addiction because their brains and decision-making processes are still developing. Nicotine exposure during this critical period can alter and impair attention and learning and increase susceptibility to future substance use disorders. By limiting advertising that appeals to individuals under 21, this bill aims to limit the allure and use of nicotine products to young people.

Taking steps to prevent youth exposure to tobacco and nicotine products is an important investment in the future health of our state. For these reasons, we urge a favorable report on House Bill 1282.

For more information call:

Christine K. Krone
J. Steven Wise
Danna L. Kauffman
Andrew G. Vetter
410-244-7000

NCADD-MD - 2026 HB 1282 FAV - Tobacco Products and

Uploaded by: Nancy Rosen-Cohen

Position: FAV



**House Economic Matters Committee
March 4, 2026**

House Bill 1282 - Tobacco Products, Other Tobacco Products, and Electronic Smoking Devices - Advertising to Minors – Prohibition

Support

NCADD Maryland supports House Bill 1282. Several research studies have proven that young people are particularly vulnerable to tobacco advertising, with evidence linking exposure to a higher likelihood of young non-smokers starting smoking in the future.¹ While the Master Settlement Agreement of 1998 restricts the forms of advertising in this bill for combustible tobacco products, there is no such agreement for electronic smoking devices and other non-combustible tobacco products. As a result, tobacco companies are advertising vapes, frequently using youth-appealing imagery, bright colors, fun flavor descriptions, and toy-like packaging.²

In 2024, two e-cigarette brands (JUUL, Vuse) and one oral nicotine pouch brand (Velo) spent a combined total of over \$4.7 million on seven ad campaigns, with 19% of the runtime airing on primetime television (weeknights from 7-10pm).³ These television ads included young models, animations, and music while emphasizing e-cigarette flavors and themes of self-expression and social acceptance. All themes that youth are very receptive to and encourage tobacco product uptake. This bill will help to put a stop to such predatory industry tactics.

We urge a favorable report on House Bill 1282.

¹ <https://www.tobaccotactics.org/article/tobacco-industry-targeting-young-people/>

² <https://truthinitiative.org/research-resources/tobacco-industry-marketing/4-marketing-tactics-e-cigarette-companies-use-target>

³ <https://truthinitiative.org/research-resources/tobacco-industry-marketing/tv-ads-e-cigarettes-and-nicotine-pouches-show-youth>

Hb1282 Testimonyerty Tobacco.pdf

Uploaded by: Kirk McCauley

Position: UNF



WMDA/CAR Service Station
and Automotive Repair Association

Chair: Kriselda Valderama and member of Economics Matters Committee

RE: HB1282 Tobacco Products, Other Tobacco Products, and Electronic Smoking Devices - Advertising to Minors - Prohibition

Position: Oppose

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 established in 1937.

While we are not opposed to bans on tobacco and ESD products advertising, HB1282 is so ambiguous that it would leave retailers and inspectors confused with uncertain interpretations. Read the bill, not that my retail members advertise at sporting events and concerts, but who would decide on 15% rule, what is indirect, could you put a price label on cigarettes? We enforce age verifications, but it is impossible to enforce regulations, if left open for interpretation. Bad for retailers and bad for enforcement.

WMDA/CAR asks for an unfavorable vote on HB1282.

Any questions, contact to Kirk McCauley, 301-775-0221 or kmccauley@wmdacar.com

HB1282 Tobacco Products Advertising to Minors LOS

Uploaded by: Irnise Williams

Position: INFO

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

SHARON S. MERRIWEATHER
Deputy Attorney General

ZENITA WICKHAM HURLEY
Deputy Attorney General



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION
HEALTH EDUCATION AND ADVOCACY UNIT

ANTHONY G. BROWN
Attorney General

WILLIAM D. GRUHN
Division Chief

PETER V. BERNIS
General Counsel

CHRISTIAN E. BARRERA
Chief of Staff

IRNISE WILLIAMS
Deputy Unit Director

March 2, 2026

TO: The Honorable Kriselda Valderrama
Chair, Economic Matters Committee

FROM: Irnise F. Williams, Deputy Director, Health Education and Advocacy Unit

RE: House Bill 1282 – Tobacco Products, Other Tobacco Products, and Electronic Smoking Devices – Advertising to Minors – Prohibition - **SUPPORT IN CONCEPT**

The Consumer Protection Division of the Office of the Maryland Attorney General (the “Division”) writes to support House Bill 1282 in concept. House Bill 1282 would strengthen the protections of children from the harms of tobacco and nicotine by amending Title 16 (Cigarettes), Title 16.5 (Other Tobacco Products Licenses), and Title 16.7 (Electronic Smoking Devices Licenses) to add to each Title new provisions that prohibit licensees from directly or indirectly advertising or marketing to individuals under the age of 21 and from advertising in a manner that is attractive to children. The Division supports the bill in concept as an important step in protecting against unfair trade practices and harms to some of Maryland’s most vulnerable consumers: children.

The harms of tobacco are well-documented.¹ Youth are particularly vulnerable to the risks of tobacco. Young people under 21 can be more sensitive to nicotine than adults, and can become addicted to the drug much faster than adults.² Indeed, nearly all tobacco product use begins during

¹ See U.S. Dep’t of Health & Hum. Servs., *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General* (2014), https://www.ncbi.nlm.nih.gov/books/NBK179276/pdf/Bookshelf_NBK179276.pdf.

² See U.S. Dep’t of Health and Hum. Servs., *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta (GA): U.S. Dep’t of Health and Hum. Servs., Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2012.

adolescence, making early intervention critical.³ Despite known harms advertising and marketing, particularly marketing to children, is effective in drawing new users to tobacco products.⁴

The Division is charged with protecting Maryland consumers against unfair, abusive, and deceptive trade practices. Consumer Protection Act, Md. Com. Ann., Com. Law §§ 13-301 and 13-303. The Office of the Maryland Attorney General has for decades remained committed to protecting Maryland consumers against the unfair trade practices of the tobacco industry, including unfair marketing to children.

House Bill 1282 Provides Needed Protections for Children

Maryland is no stranger to seeking to protect children. The Master Settlement Agreement (MSA) with the tobacco industry, effective November 23, 1998, focused on the advertising and marketing of cigarettes, including roll-your-own tobacco.⁵ MSA § III. (permanently banning direct and indirect youth targeted advertising and marketing). Since the signing of the MSA, youth tobacco and nicotine use has changed with the times. So too, should Maryland's protections against the advertising of tobacco and nicotine products to children.

Today, underage tobacco product consumers favor Electronic Nicotine Delivery Systems (ENDS) over cigarettes.⁶ In 2024, 19% of U.S. middle and high school students (representing 5.28 million students) reported having used a tobacco product. E-cigarettes were the most commonly used tobacco product; with nicotine pouches being the second most commonly used.⁷ Due to what has been called an “epidemic” of youth use of these products, FDA has prioritized efforts to prevent youth use of ENDS.⁸

³ See U.S. Dep't of Health & Hum. Servs., *E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General* (2016), https://www.ncbi.nlm.nih.gov/books/NBK538680/pdf/Bookshelf_NBK538680.pdf.

⁴ Bird Y. et al., *Tobacco Product Use Among U.S. Middle and High School Students — National Youth Tobacco Survey, United States, 2024*, 73 *Morbidity & Mortality Wkly. Rep.* 901 (2024), <https://www.cdc.gov/mmwr/volumes/73/wr/pdfs/mm7341a2-H.pdf> (“Multiple factors continue to influence tobacco product use and initiation among adolescents including availability of youth appealing flavored products, marketing, harm misperceptions, the emergence of new flavor types (e.g., ice flavors [flavors that combine cooling and fruit or sweet flavors, such as blueberry ice or strawberry ice]), and product features.”)

⁵ See *id.*

⁶ Vapes, vaporizers, vape pens, hookah pens, electronic cigarettes (e-cigarettes or e-cigs), e-cigars, and e-pipes are some of the many tobacco product terms used to describe electronic nicotine delivery systems (ENDS) or electronic smoking devices (ESDS). The products use an “e-liquid” that usually contains nicotine derived from tobacco, as well as flavorings, propylene glycol, vegetable glycerin, and other ingredients. See *E-Cigarettes, Vapes, and Other Electronic Nicotine Delivery Systems (ENDS)*, U.S. Food & Drug Admin., <https://www.fda.gov/tobacco-products/products-ingredients-components/e-cigarettes-vapes-and-other-electronic-nicotine-delivery-systems-ends> (last visited Mar. 2, 2026).

⁷ Ahmed Jamal et al., *Tobacco Product Use Among Middle and High School Students — National Youth Tobacco Survey, United States, 2024*, 73 *Morbidity & Mortality Wkly. Rep.* 917 (2024), <http://dx.doi.org/10.15585/mmwr.mm7341a2>.

⁸ *E-Cigarettes, Vapes, and Other Electronic Nicotine Delivery Systems (ENDS)*, U.S. Food & Drug Admin. (July 17, 2025), <https://www.fda.gov/tobacco-products/products-ingredients-components/e-cigarettes-vapes-and-other-electronic-nicotine-delivery-systems-ends>.

Child advocates recognize the need to protect children from ENDS advertising.⁹ House Bill 1282 strengthens protections against the advertising to youth of traditional tobacco products (e.g., cigarettes, cigars, chewing tobacco), as well as the now more popular ENDS and nicotine pouches.

The Division notes that HB 1282 is limited to licensees. However, much of the advertising for ENDS and other tobacco products is conducted by entities that are not licensed. Accordingly, HB 1282 may have more limited reach than intended. Also, the Division notes that there will be a preemption argument with respect to cigarette advertising, which is regulated by the Federal Cigarette Labeling and Advertising Act (FCLAA)¹⁰ Finally, there could be a First Amendment challenge to some of the provisions of HB 1282, but if the proposed new law advances the government's substantial interest and is narrowly tailored, the restrictions should pass constitutional muster.

Thank you for consideration of these comments as you consider limiting youth-targeted advertising, which helps protect young people from marketing that can exploit their vulnerability, encourage risky behaviors, and lead to long-term health or safety harms.

cc: Delegate Caylin Young
Delegate Jackie Addison
Delegate Regina T. Boyce
Delegate Frank M. Conaway, Jr.
Delegate Mark Edelson
Delegate Elizabeth Embry
Delegate Robbyn Lewis
Delegate Malcolm P. Ruff
Delegate Sean A. Stinnett
Delegate William Valentine
Delegate Greg Wims

This bill letter is a statement of the Consumer Protection Division of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us.

⁹ Aditya Bhalerao *et al.*, *Public Health Policies on E-Cigarettes*, 21 *Curr. Cardiology Rep.* 111 (2019).

¹⁰ FCLAA, 15 U.S.C. § 1334 preempts certain State regulations involving smoking and health in the advertising of cigarettes, but State statutes and regulations that impose specific bans or restrictions on the time, place, and manner (but not content) of the advertising of promotion of cigarettes are expressly exempted from preemption.

HB 1282 - ECM - MDH- LOI.docx (1).pdf

Uploaded by: Meghan Lynch

Position: INFO



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Meena Seshamani, M.D., Ph.D., Secretary

March 4, 2026

The Honorable Kriselda Valderrama
Chair, House Economic Matters Committee
Room 231, House Office Building
Annapolis, MD 21401-1991

RE: House Bill 1282 – Tobacco Products, Other Tobacco Products, and Electronic Smoking Devices - Advertising to Minors - Prohibition – Letter of Information

Dear Chair Valderrama and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of information for House Bill (HB) 1282 – Tobacco Products, Other Tobacco Products, and Electronic Smoking Devices - Advertising to Minors - Prohibition. HB 1282 prohibits licensed cigarette, other tobacco product (OTP), and electronic smoking device (ESD) retailers from directly or indirectly advertising or marketing certain tobacco products to people under 21 years old and places additional restrictions on tobacco product advertising, marketing, labeling, and packaging.

HB 1282 aligns with evidence-based public health practices, such as countermarketing the tobacco industry, that are meant to prevent youth tobacco use, including restricting the contents (i.e., images and likenesses popular with or appealing to youth) and placement of tobacco product advertisements. Youth exposed to tobacco product advertising, including outdoor billboards, are more likely to perceive tobacco products as less harmful and to try them.¹ Long-standing tobacco control protections grounded in decades of evidence link advertising exposure to youth initiation. Protections issued under the Master Settlement Agreement (MSA),² complemented by the Family Smoking Prevention and Tobacco Control Act of 2009,³ include limitations on health claims, sponsorships, cross-promotions, and signage, and are established public health best practices.⁴ However, while cigarette product advertising is limited in some capacity at the federal level through the MSA, no such restrictions exist for OTP or ESDs.⁵ Additionally, the tobacco industry expends an estimated \$95.4 million annually on marketing

¹ <https://pmc.ncbi.nlm.nih.gov/articles/PMC9872832/>

² The Master Settlement Agreement. National Association of Attorneys General. Retried February 24, 2026 from <https://www.naag.org/our-work/naag-center-for-tobacco-and-public-health/the-master-settlement-agreement/>

³ Family Smoking Prevention and Tobacco Control Act. Retrieved February 23, 2026 from <https://www.govinfo.gov/content/pkg/PLAW-111publ31/pdf/PLAW-111publ31.pdf>

⁴ Family Smoking Prevention and Tobacco Control Act. Retrieved February 23, 2026 from <https://www.govinfo.gov/content/pkg/PLAW-111publ31/pdf/PLAW-111publ31.pdf>

⁵ <https://www.fda.gov/tobacco-products/products-guidance-regulations/advertising-and-promotion>

within Maryland, which disproportionately impacts youth.⁶ Experience demonstrates that once youth use becomes widespread, reversing those trends is difficult and costly.

HB 1282 makes these prohibitions subject to certain fines and penalties for tobacco retailers who violate these restrictions. Although fines and criminal penalties are effective ways to ensure retailers comply with tobacco laws, there is no explicit enforcement mechanism or entity responsible for ensuring retailers comply with relevant laws within the bill. While HB 1282 prohibits advertising tobacco products, OTPs, and ESDs on outdoor sign boards and billboards within 500 feet (i.e., approximately two city blocks) of a school, the Department notes that there are other youth serving areas apart from schools, such as playgrounds, parks, and child care centers, where youth exposure to outdoor advertisements can occur. Zoning limits are a best practice for reducing advertising and tobacco retailer density, both of which historically congregate in low income and minority communities.^{7,8} Although distance caps vary between states and local jurisdictions, 500 feet is typically the minimum threshold and larger thresholds (e.g., 1000 feet or higher) yield the greatest public health benefit.⁹

The Department appreciates the opportunity to share this information. If you would like to discuss this further, please do not hesitate to contact Meghan Lynch, Director of Governmental Affairs at meghan.lynch@maryland.gov.

Sincerely,



Meena Seshamani, M.D., Ph.D.
Secretary of Health

⁶ The Toll of Tobacco in Maryland. Campaign for Tobacco Free Kids. Retrieved February 23, 2026 from <https://www.tobaccofreekids.org/problem/toll-us/maryland>

⁷ Evidence Based Guide for States. Centers for Disease Control and Prevention. Retrieved February 24, 2026 from <https://www.cdc.gov/tobacco/php/state-and-community-work/guides-for-states.html>

⁸ Fakunle DO, Milam AJ, Furr-Holden CD, Butler J 3rd, Thorpe RJ Jr, LaVeist TA. The inequitable distribution of tobacco outlet density: the role of income in two Black Mid-Atlantic geopolitical areas. *Public Health*. 2016 Jul;136:35-40. doi: 10.1016/j.puhe.2016.02.032. Epub 2016 Apr 10. PMID: 27076440; PMCID: PMC4930734.

⁹ Glasser AM, Roberts ME. Retailer density reduction approaches to tobacco control: A review. *Health Place*. 2021 Jan;67:102342. doi: 10.1016/j.healthplace.2020.102342. Epub 2020 Apr 27. PMID: 33526207; PMCID: PMC7856310.

Letter of Information - HB1282 - Tobacco Products

Uploaded by: Thomas Akras

Position: INFO



ATCC

Alcohol, Tobacco, and Cannabis Commission

Wes Moore
Governor

Aruna K. Miller
Lt. Governor

Jeffrey A. Kelly
Executive Director

March 4, 2026

BILL: HB1282 - Letter of Information – Tobacco Products, Other Tobacco Products, and Electronic Smoking Devices - Advertising to Minors – Prohibition
COMMITTEE: Economic Matters
POSITION: Letter of Information

RE: Letter of Information – HB1282 – Tobacco Products, Other Tobacco Products, and Electronic Smoking Devices - Advertising to Minors – Prohibition

Dear Chair Valderrama and Members of the Committee:

I write on behalf of the Alcohol, Tobacco, and Cannabis Commission to provide this Letter of Information to the Senate Finance Committee regarding HB1282 – Tobacco Products, Other Tobacco Products, and Electronic Smoking Devices - Advertising to Minors - Prohibition.

The ATCC is responsible for regulating the businesses which are licensed to manufacture, transport, and/or sell cigarettes, other tobacco products (OTP), and electronic smoking devices (ESD). Each of these products are restricted to individuals over 21, and the ATCC works with Maryland's Department of Health (MDH) and local health departments to monitor and discipline businesses that sell these products to minors and adults under 21. This is important not only to the health of Maryland's young people, but also to ensuring Maryland diligently enforces the laws as required by both our Master Settlement Agreement with cigarette manufacturers and the Federal Synar program that is tied to federal grant funding for our State's health and substance abuse programs.

HB1282 supports the State's strong interest in protecting minors by adding statutes to Business Regulations titles 16, 16.5, and 16.7 which prohibit licensed businesses from advertising products in a manner which may appeal to minors and restrict how they may create advertisements that will be printed in print and online publications and at public events. While the ATCC takes no position on the policy merits of these restrictions, we wish to bring to the Committee's attention both practical limitations on our ability to enforce these provisions, and legal considerations that may have implications for this legislation.

First, HB1282 would create Maryland advertising restrictions which overlap with existing federal tobacco advertising laws. The content of labels for cigarettes is governed by the Federal Cigarette Labeling and Advertising Act, which is the law which requires all packaging and advertising for cigarettes to contain specific health warnings for consumers. Advertising of cigarettes and other tobacco products is also prohibited by Federal law on any FCC governed electronic medium such as radio and television. FDA regulations also limit the ability of tobacco manufacturers to sponsor sporting and cultural events or sell branded merchandise. Each of these statutes and regulations serves as a first line of protection from mass advertising of these products or from certain elements of packaging which can attract minors.

However, under the legal doctrine of preemption, these federal statutes also limit the ability of individual States to create laws covering these areas. As a result, the State may face immediate litigation from major tobacco manufacturers or wholesalers challenging the provisions HB1282 that focus on cigarette and OTP labelling and advertising. Additionally, the State may be exposed to constitutional challenges under the first amendment to the extent the proposed legislation limits the content of protected commercial speech. While Maryland may prevail on certain challenges based on the compelling State interest in protecting the health of minors, this litigation process could be costly and could affect the ability to enforce these provisions.

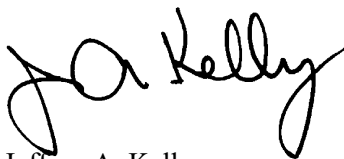
There are also operational challenges to the enforcement of the proposed legislation. The language in HB1282 only allows enforcement against the holders of one of Maryland's tobacco related manufacturing, wholesaling, and retailing licenses. Because most major brands of cigarettes, OTP, and ESDs are manufactured outside of Maryland and brought into the State by shippers and wholesale importers/distributors, very few manufacturers are required to be licensed in Maryland in order for their products to be sold here. These major manufacturers also control both the packaging of the products and the creation of any advertising materials tied to particular brands - this limits the ability of retailers for example to control these elements or to independently create product advertisements. As a result, the ATCC may be unable to effectively enforce elements of HB1282 against the entities which create the products, advertisements, and labels.

Finally, it should be noted that the ATCC does not currently have the staff expertise or infrastructure necessary to enforce the provisions of HB1282 that relate to public advertisements and the composition of the expected audience for those advertisements. The ATCC does not monitor concerts, stadium events, or sporting events to observe the advertising activity for regulated products, and is generally only involved in such events when there is a specific complaint or enforcement operation supported by local authorities. The ATCC would also need to employ additional staff with experience and expertise in analyzing advertisements and audience demographics to effectively enforce the proposed advertising restrictions.

On behalf of the ATCC, we would like to thank the Committee for their time and consideration of the ATCC's Letter of Information regarding HB1282 – Tobacco Products, Other Tobacco Products, and Electronic Smoking Devices - Advertising to Minors - Prohibition.

The ATCC remains committed to holding businesses accountable for unlawful sales of restricted products and ensuring that the State's regulatory framework is enforced in a manner that is consistent with federal and constitutional requirements. I am available to answer any questions or concerns that you may have related to this Letter of Information on this piece of legislation.

Respectfully submitted,



Jeffrey A. Kelly
Executive Director
Alcohol, Tobacco, and Cannabis Commission of Maryland