

Maryland PIRG

Maryland Public Interest Research Group

SB177/HB134: Business Regulation - Flavored Tobacco Products-Prohibition
Senate Finance Committee, January 28th, 2021
House Economic Matters Committee, February 10, 2021

POSITION: FAVORABLE

*Maryland PIRG is a state based, non-partisan, citizen funded public interest advocacy organization with grassroots members across the state and a student funded, student directed chapter at the University of Maryland College Park. For forty five years we've stood up to powerful interests whenever they threaten our health and safety, our financial security, or our right to fully participate in our democratic society. **That includes a long history of supporting concrete solutions to reduce tobacco use.***

Maryland PIRG urges you to support SB177/HB134 to protect kids from tobacco addiction by taking all flavored tobacco products off the market.

The tobacco industry has evolved over time to create new, highly addictive products, but one thing hasn't changed--flavored tobacco products hook kids. **A government study found that 81% of youth who have ever used tobacco started with a flavored product, and most tobacco users start young.**¹

Flavored products helped fuel the e-cigarette epidemic among youth:

- E-cigarettes have been the [most commonly used tobacco product](#) among middle and high school students in the United States since 2014.²
- Nearly a quarter of Maryland high school students currently use e-cigarettes—a rate 5 times higher than adults.³
 - That's a significant increase from the [13.3%](#) of high school students who reported e-cigarette use in 2016.⁴
- According to the 2020 [National Youth Tobacco Survey](#), more than 8 out of 10 current youth e-cigarette users use flavored e-cigarettes. Among high schoolers the most common flavors were fruit, mint and menthol.⁵
- The Surgeon General [concluded in a 2016 report](#) that, "E-cigarettes are marketed by promoting flavors and using a wide variety of media channels and approaches that have been used in the past for marketing conventional tobacco products to youth and young adults."⁶

All flavored products are a problem: All flavored tobacco products pose a threat to youth because they can lure them into a life-time of tobacco addiction. SB177 would help

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reduce overall youth tobacco use by taking all flavored products off the market, not just a select few.

- Although e-cigarettes are the most widely used tobacco product among Maryland high schoolers, 6% smoke cigars, 5% smoke cigarettes, and 4.6% use smokeless tobacco.⁷
- Flavored tobacco products are targeted at black and brown communities. 85 percent of all African American smokers use menthol cigarettes and African Americans are more likely to die from tobacco-related causes than any other race or ethnic group in America.⁸
- Menthol flavoring lessens the harshness of smoking tobacco, which makes it easier for young people to start smoking cigarettes.

Nicotine is harmful to kids' health: E-cigarettes almost always contain nicotine, an addictive drug that can harm adolescent [brain development](#) and affect young peoples' learning, memory and attention.⁹

- Nicotine use in adolescents can also contribute to mood disorders and increase their risk of future addiction to other dangerous substances.¹⁰
- Some [evidence](#) also suggests that young e-cigarette users may be more likely to smoke combustible cigarettes in the future.¹¹
- The latest data shows that 40 percent of high school e-cigarette users are using e-cigarettes frequently (20 or more days out of the month) and almost a quarter of them use e-cigarettes daily.¹²

E-cigarettes are not an approved cessation device: The benefit, if any, to the smokers who claim to be using flavored e-cigarettes as a way to quit smoking combustible cigarettes simply doesn't outweigh the public health risk these products pose to young people in Maryland. **Moreover, [no e-cigarette company](#) has received FDA authorization to market their e-cigarette products as a safe and effective way to quit smoking.**¹³

The federal government has failed to fully address the youth e-cigarette epidemic. The Food and Drug Administration took non-tobacco, non-menthol flavored cartridge-based e-cigarettes like Juul off the market but left [thousands of other flavored e-liquids](#) for non cartridge-based products widely available.¹⁴ It's critical that Maryland lawmakers act now to end the sale of all flavored products.

According to the Centers for Disease Control and Prevention, the rapid rise in e-cigarette use among young people has [erased past progress](#) in reducing overall youth tobacco use. Maryland lawmakers should end the sale of all flavored tobacco products. Otherwise, thousands more kids could face a future tainted by tobacco addiction.

We respectfully request a favorable report.

Sources:

- [1] Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association (JAMA)*, published online 26 October 2015.
- [2] Gentzke AS, et al. "Vital Signs: Tobacco Product Use Among Middle and High School Students — United States, 2011–2018," *MMWR Morbidity and Mortality Weekly Report (MMWR)* Rep 2019; 68:157–164. DOI: <http://dx.doi.org/10.15585/mmwr.mm6806e1>
- [3] Maryland Department of Health, Preliminary data from the *Youth Risk Behavior Survey & Youth Tobacco Survey 2018-2019*.
- [4] Maryland Department of Health, *Youth Risk Behavior Survey & Youth Tobacco Survey 2016*.
- [5] FDA, *Get the Latest Facts on Teen Tobacco Use*, 13 January 2021.
- [6] HHS, "E-Cigarette Use Among Youth and Young Adults: A Report of the Surgeon General". Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.
- [7] See note 3.
- [8] Villanti AC, Mowery PD, Delnevo CD, Niaura RS, Abrams DB, Giovino GA. *Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004-2014*.
- [9] See note 6.
- [10] Office of the Surgeon General, "Know the Risks: E-cigarettes and Young People," accessed 22 April 2019; See note 6 for additional information.
- [11] CDC, Quick Facts on the Risks of E-cigarettes for Kids, Teens, and Young Adults, accessed online 2 February, 2020.
- [12] See note 5.
- [13] FDA, *Fact or Fiction: What to Know About Smoking Cessation and Medications*, accessed online 2 February, 2020.
- [14] FDA, *Guidance for Industry: Enforcement Priorities for Electronic Nicotine Delivery System (ENDS) and Other Deemed Products on the Market Without Premarket Authorization*, January 2020.