

**Matthew Wellington, Maryland PIRG, End the Nicotine Trap Campaign Director
Testimony for HB3, Business Regulation - Flavored Tobacco Products-Prohibition
Economic Matters Committee, Thursday Feb 6th, 2020**

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 HB3 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]
- According to preliminary data from the Maryland Health Department's Youth Risk Behavior Survey & Youth Tobacco Survey 2018-2019, nearly one in four Maryland high school students reported using e-cigarettes, a rate 5 times higher than adult use.^[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 Food and Drug Administration, [70%](#) of youth e-cigarette users say they use the products because they come in appealing flavors.^[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. HB 3 would help 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]
- Menthol flavoring lessens the harshness of smoking tobacco, which makes it easier for young people to start smoking cigarettes. And in 2013-2014, [73.8%](#) of youth cigar smokers reported that they smoked cigars “because they come in flavors I like” (PATH Wave 1, 2013-2014).[8]

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 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.**[12]

The federal government has failed to fully address the youth e-cigarette epidemic. It plans to take non-tobacco, non-menthol flavored cartridge-based e-cigarettes like Juul off the market but will [leave flavored disposable e-cigarettes and thousands of other flavored e-liquids](#) for non cartridge-based products widely available.[13] 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.

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, *Guidance for Industry: Modifications to Compliance Policy for Certain Deemed Tobacco Products*, 14 March 2019.
- [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] See note 1.
- [9] Office of the Surgeon General, “Know the Risks: E-cigarettes and Young People,” accessed 22 April 2019; See note 6 for additional information.
- [10] Ibid.
- [11] CDC, *Quick Facts on the Risks of E-cigarettes for Kids, Teens, and Young Adults*, accessed online 2 February, 2020.
- [12] FDA, *Fact or Fiction: What to Know About Smoking Cessation and Medications*, accessed online 2 February, 2020.
- [13] FDA, *Guidance for Industry: Enforcement Priorities for Electronic Nicotine Delivery System (ENDS) and Other Deemed Products on the Market Without Premarket Authorization*, January 2020.