

Testimony of Jeffrey Hardesty

Maryland Resident

February 6, 2020

House Bill 0003: Business Regulation - Flavored Tobacco Products – Prohibition

POSITION: SUPPORT

Thank you, Naseeb. I will speak of the hard lessons learned from jurisdictions that have restricted flavored tobacco products.

Back in 2009, the FDA stopped the sale of flavored cigarettes, with an exemption for menthol. The policy succeeded at its primary goal of reducing cigarette use among youth, but it led to an increase in youth use of other tobacco products known for their flavors, like menthol cigarettes, cigars, and pipes. *These data suggest exempting some but not all products displaces the problem.*

In Minneapolis, an adult-only store exemption threatened to undermine the intended public health benefits of the law. To continue selling flavored tobacco products, convenience store owners began applying for licenses to establish new adult-only tobacco product shops. Some owners split their existing stores into two: an adult-only tobacco shop and a convenience store. Other owners converted their shops entirely into adult-only tobacco shops. *This example suggests exempting certain types of retailers may not reduce the availability of flavored tobacco products.*

In Providence, RI, they restricted *characterizing* flavors only and subsequently saw an increase in sales of *concept* flavored cigars. In contrast, Massachusetts communities restricted characterizing and concept flavors which resulted in greatly reduced availability of all flavored tobacco products. This was achieved using a robust retailer education campaign and a Guidance List containing all restricted products. The List was sent to shops and is periodically updated to reflect new products. *These examples suggest concept flavors are a unique challenge, but a road map exists to overcome it.*

In light of the positive public health impacts described by my colleagues and these lessons learned; we support the passage of HB0003 and make two recommendations.

1. Exempting certain tobacco products, flavors, and retailers creates loopholes likely to be exploited. A policy without exemptions will maximize health benefits and minimize unintended consequences.
2. Maryland Department of Health (MDH) will require resources for a robust retailer education campaign and should have the ability to use a Guidance List that can be updated.

Thank you for your consideration.

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The opinions expressed herein are my own and do not necessarily reflect the views of The Johns Hopkins University.