



**General Assembly of Maryland, Senate Finance Committee  
Regarding Electronic Smoking Device Regulation Act of 2021 (SB273)  
(Hearing Date January 28, 2021)**

Chairperson and Members of the Committee:

Thank you for the opportunity to submit testimony regarding the Electronic Smoking Device Reduction Act of 2021 (SB273). The American Consumer Institute is a non-profit, non-partisan research and educational institute with the mission to identify, analyze, and project the interests of consumers in selected legislative and rulemaking proceedings in matters that affect the consumers.

It is our assessment that SB273, if enacted, would significantly harm consumer welfare, lead to avoidable negative health outcomes, and cause unnecessary hardship on Maryland small businesses. The bill essentially forces retailers in the state to limit the visibility of electronic cigarettes, while leaving traditional combustible products on full display. This would cause profound and irreparable harm to the health of Marylanders, as it would prevent those looking to quit smoking from fully knowing what alternative products are currently in the market.

SB273 does not distinguish between e-cigarettes and traditional tobacco products, placing both under the same category as “smoking” products, even though e-cigarettes are much safer than the combustible alternative. E-cigarettes not only are a safer alternative, but a large array of academic and medical research shows that they are an effective tobacco harm reduction tool:

- E-cigarettes are at least 95% safer than traditional cigarettes;<sup>1</sup>
- Switching to e-cigarettes could save the lives of 6.6 million American smokers;<sup>2</sup>
- E-cigarettes are two times more effective in helping people quit than traditional nicotine-replacement therapies;<sup>3</sup>
- Each year, 7,500 Marylanders die from smoking-related illnesses. This number would be reduced significantly if electronic cigarettes were available to adult consumers.<sup>4</sup>

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<sup>1</sup> “E-cigarettes: An Evidence Update,” Public Health England, August 28, 2015, <https://www.gov.uk/government/publications/e-cigarettes-an-evidence-update>.

<sup>2</sup> “Tobacco Smokers Could Gain 86 million Years of Life if They Switch to Vaping, Study Finds,” Georgetown University Medical Center, October 2, 2017, <https://gumc.georgetown.edu/news-release/tobacco-smokers-could-gain-86-million-years-of-life-if-they-switch-to-vaping-study-finds/>.

<sup>3</sup> Hartmann-Boyce et al., “Can Electronic Cigarettes Help People Stop Smoking, and Do They Have Unwanted Effects When Used for This Purpose?” Cochrane, October 14, 2020, [https://www.cochrane.org/CD010216/TOBACCO\\_can-electronic-cigarettes-help-people-stop-smoking-and-do-they-have-any-unwanted-effects-when-used#:~:text=For%20every%20100%20people%20using,support%20or%20behavioural%20support%20only](https://www.cochrane.org/CD010216/TOBACCO_can-electronic-cigarettes-help-people-stop-smoking-and-do-they-have-any-unwanted-effects-when-used#:~:text=For%20every%20100%20people%20using,support%20or%20behavioural%20support%20only).

<sup>4</sup> “Center for Tobacco Prevention and Control Program Final Evaluation Report,” University of Baltimore Shaefer Center for Public Policy, June 30, 2020, <https://phpa.health.maryland.gov/ohpetup/Documents/CTPCFinalEvaluationReport.FINAL.06-30-2020.pdf>.

Another anti-consumer component of SB273 is that it would prohibit Marylanders importing e-cigarettes into the state unless they hold the appropriate licenses. This component of the bill would cause the most harm to individuals living in Maryland communities, requiring them to travel further than would otherwise be necessary to obtain a product at lower prices.

SB273 has the potential to significantly change the way e-cigarettes are distributed and sold in the state of Maryland. If enacted, vendors and distributors would be required to acquire specific licenses (which would need to be renewed yearly) and pay fees to both the county and state. Retailers and distributors would also be required to submit regular reports to the state Executive Director of Alcohol and Tobacco. Finally, vape shops would effectively be banned from selling their products online, limiting sales to “consumers on the premises of the licensee’s place of business.”

Restrictions imposed by SB273 would not only raise the cost of operations for small businesses across the state who support thousands of jobs, but they would also threaten the survival of these small businesses. Most importantly, however, these restrictions would lead to higher prices for consumers, sending consumers back to the pack and harming the health of the state’s citizens. This is particularly true as Maryland’s economy seeks to recover from the COVID pandemic that has created an unprecedented risk to the health of consumers.

SB273 is both an unnecessary and an unreasonable bill. For instance, Maryland’s legislature and other state agencies have already taken steps to ensure electronic cigarettes remain out of the hands of minors.<sup>5</sup> These rules and age requirements must be strictly enforced.

All-in-all, SB273 would make e-cigarettes harder to obtain, which would not stop people from smoking, but it would send them back to the cigarette pack. The long-term consequences would be devastating as both deaths from smoking-related diseases and healthcare costs would increase.

Given the above reasons, it is our assessment that this bill is NOT in the interest nor the benefit of Maryland’s consumers as it would give smokers fewer choices when they make the important decision to quit smoking.

Respectfully,

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<sup>5</sup> “Maryland Becomes 13<sup>th</sup> State to Raise Minimum Legal Sales Age for Tobacco Products to 21,” Maryland Department of Health, May 16, 2019, [https://health.maryland.gov/newsroom/Pages/Release-Maryland-becomes-13th-state-to-raise-minimum-legal-sales-age-for-tobacco-products-to-21.aspx#:~:text=Baltimore%2C%20MD%20%E2%80%94%20The%20Maryland%20Department,electronic%20smoking%20devices%20\(ESDs\).](https://health.maryland.gov/newsroom/Pages/Release-Maryland-becomes-13th-state-to-raise-minimum-legal-sales-age-for-tobacco-products-to-21.aspx#:~:text=Baltimore%2C%20MD%20%E2%80%94%20The%20Maryland%20Department,electronic%20smoking%20devices%20(ESDs).)