

VAPING AWARENESS PUBLIC EDUCATION SOCIETY

SPEARHEADING THE FIGHT TO BREAK CIGARETTE ADDICTION



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House Bill 0477

Testimony Of

Scott Webber

Before the

Maryland House Economic Affairs Committee

March 2, 2022

UNFAVORABLE

Distinguished Members of the Economic Affairs Committee,

When it comes to law, words matter... definitions matter... because that is what defines the law.

The language and word usage of HB0477 provides bemuddlement, confusion, and mixupedness beyond any reasonable understanding, and as such, is bad legislation in addition to being bad public health policy.

For the purposes of this brief testimony, I am going to focus on the bill text 'stringent'.

A screenshot of the Merriam-Webster website. The search bar contains the word "stringent". Below the search bar, there are two tabs: "Dictionary" and "Thesaurus". Below the tabs, there is a black box with the text "Working less than you think." in white.

stringent adjective

Save Word

string-ent | \ 'strin-jənt \

Definition of *stringent*

- 1 : TIGHT, CONSTRICTED
- 2 : marked by rigor, *strictness*, or severity especially with regard to rule or standard
// stringent decontamination procedures
- 3 : marked by money scarcity and credit strictness
// a stringent budget

For a 'local law' to be given legal authority to be "at least as stringent as..." means that it has to comply 'at least as strictly' to the original law, as the original law itself.

Any law that is 'less stringent' than the actual law, is in violation of the law, because by definition, it is not following 'the letter of the law'.

Any law that is 'more stringent' than the actual law to which it is being compared, can only reach the point where it is more rigorous in adherence, and more tightly in conformance to the original law, than the original law, which is a linguistic, and legalistic, impossibility; once you get to full 100% conformity... you cannot become any more 'stringent', lest one now start deviating from the original law, which is exactly the opposite of being 'stringent'.

There is no definition of 'stringent' in the context of tobacco regulation, or Maryland law.

In the Altadis case, Prince George's County sought to make it law that tobacco be sold in larger packages. Is this more 'stringent' than other laws that require smaller packages? Could Baltimore City – or any other local body – impose a more 'stringent' law that requires/restricts each tobacco purchaser to purchase at least six cartons of cigarettes in each transaction, and no smaller? Or is it more 'stringent' to pass a law or ordinance that requires/restricts the sale of tobacco to a single carton at any one transaction? Or a single pack? Or a single cigarette?

Is it more 'stringent' to require vape shops to remain open 24 hours a day to serve the needs of the smoking public who are trying to quit? Or more 'stringent' to limit their operation hours to 3-4am when elementary school children are least likely to be out looking to buy tobacco? Is it more 'stringent' to require vape shops to sell vaping liquid by the gallon? Or the milliliter? Is it more 'stringent' to require double the nicotine strength? Or half the nicotine strength of... who even knows what the benchmark is!!

The language is ambiguous, and amorphous, and will lead to confusion, chaos, and toward effective anarchy, for any law that is so difficult – if not impossible – to define uniformly, cannot possibly be comprehended uniformly, enforced uniformly, or complied with uniformly.

In addition, per the attached table, the POSSIBLE number of 'Local Laws' that could be concocted by clever prohibitionists is almost humorous in the mockery it makes of out-of-control legislative overreach, if it were not so serious, in that there are some legislators who would even consider voting for such law.

The POSSIBLE number of 'Local Law' Combinations is well in excess of **168,901,236,000,000**.

This is bad legislative language on top of bad health policy on top of functional impossibility.

Please Vote Unfavorably.

Most Sincerely,

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Number of Potential 'Local Law' Combinations

[Numbers Estimated If Not Readily Known]

Number of Local MD Jurisdictions	181
Number of Jurisdictional Interactions [Import-Export-Within]	3
Number of Day Combinations [7x7]	49
Number of Possible Start/Stop Hour Variations [23x23]	529
Number of Vape Shop Products [Not Flavors]	100
Number of Potential Flavors	1000
Number of Different Size Bottles [up to 120ml]	120

Representative Number Of Possible 'Local Law'

Combinations From Just The Above:

168,901,236,000,000