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Position: FAV

**TESTIMONY PRESENTED TO THE
FINANCE COMMITTEE**

**SENATE BILL 582
BUSINESS REGULATION-CIGARETTE, OTHER TOBACCO
PRODUCT, AND ELECTRIC SMOKING DEVICE RETAILERS –
NICOTINE REPLACEMENT PRODUCTS
(MAKE QUITTING CONVENIENT ACT)**

DANIEL WHITT, CHIEF OF

RESPIRATORY THERAPY AT VA

MARYLAND HEALTH CARE SYSTEM

POSITION: FAVORABLE

February 22, 2024

Chair Beidle, Vice Chair Klausmeier, and Members of this Committee, thank you for the opportunity to submit testimony in support of Senate Bill 582.

I personally support SB 582. As the Chief of Respiratory Therapy at VA Maryland Health Care System, I see the health toll that smoking takes on the veterans under our care. Putting smoking cessation products in the stores where an overwhelming majority of cigarettes are sold can only help on a person's quitting journey.

Studies by the American Cancer Society and the Truth Initiative show using Nicotine Replacement Therapy (NRT) can nearly double the chances of quitting smoking and increases quit rates from 50% to 70%.

According to the Society for Research on Nicotine and Tobacco, almost half (45.8%) of quitting attempts are spontaneous, meaning that a smoker tries to quit as soon as they make the decision to do so. Selling NRTs at convenience stores alongside cigarettes supports this spontaneous decision to quit, treat acute nicotine cravings, and prevent cigarette usage relapse.

I feel that when one more veteran quits smoking in our state, we all win!

For these reasons, I urge you to support Senate Bill 582.

Daniel Whitt, Chief of Respiratory Therapy
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Senate Bill 582

Business Regulation - Cigarette, Other Tobacco Product, and Electronic Smoking Device Retailers - Nicotine Replacement Therapy Products (Make Quitting Convenient Act) -FAVORABLE-

I am writing to express my strong support for Senate Bill 582, the "Make Quitting Convenient Act," which addresses vital aspects of business regulation pertaining to cigarettes, other tobacco products, and electronic smoking devices. As a dedicated member of the Baltimore City Council, I believe that this legislation will have a positive impact on our community working toward a healthier society.

In 2018, after a sincere conversation with representatives from the Baltimore City Health Department, I introduced Baltimore City Council Ordinance 18-0311, Nicotine Replacement Therapy Products - Sale and Distribution which requires certain retailers to sell nicotine replacement therapy products and mandates certain retail display and packaging requirements. At the time, it was significantly easier in my district (District 8) and in Baltimore city to get nicotine products like cigarettes than it was to get products to help quit smoking. Breaking addiction is incredibly challenging when you don't have equitable access to smoking cessation products, which were only sold in a handful of pharmacies and grocery stores. When the majority of your constituents rely on corner stores and gas stations for basic necessities, none of which sold cessation products, I, as the Chair of the Health Committee eagerly brought this legislation to address the inequity of access to smoking cessation products.

Senate Bill 582 aims to regulate and facilitate access to Nicotine Replacement Therapy (NRT) products, providing an innovative approach to support individuals in their journey to quit smoking. Smoking cessation is a critical public health issue, and NRT products have proven to be effective tools in assisting people to overcome nicotine addiction. By streamlining regulations for retailers and ensuring the availability of these products, the proposed legislation aligns with our shared commitment to improving the health and well-being of our constituents.

In Maryland 11% of adult residents report smoking in 2023 (County Health Rankings & Roadmaps, n.d.). In Maryland 15.6% of high school youth reported currently using any tobacco product, including e-cigarettes in 2021. Among Maryland high school youth, 3.6% reported currently smoking cigarettes (CDC, 2023).

Tobacco use remains the leading cause of preventable disease in the United States; access and promotion of smoking cessation products can lead to better public health outcomes. Smoking quadruples the risk of coronary heart disease as well as stroke. People who smoke are 25 times more likely to develop lung cancer than those who do not. When individuals take control of their

health and quit tobacco products, the risk of disease significantly decreases to levels of those who do not smoke.

Baltimore City has been at the forefront of addressing public health challenges, and I firmly believe that supporting Senate Bill 582 is in line with the mission to create a healthier and more prosperous communities across Maryland. The provisions within this legislation not only empower individuals seeking to quit smoking but also contribute to the overall reduction of tobacco-related diseases and associated healthcare costs. Additionally, it address the inequity of limited accesbility of smoking cessation products that many communities in Maryland face. By fostering a supportive environment for retailers to offer NRT products, we encourage a positive shift in our community's overall health outcomes.

I urge this committee to vote favorable on Senate Bill 582, The Make Quitting Convenient Act. Together, we can make significant strides towards a healthier and smoke-free future for our constituents. Should you have any further questions or concerns, please do not hesitate to reach out to me or my Direct of Policy, Kimberly Sauer at kimberly.sauer@baltimorecity.gov.

Respectfully,

A handwritten signature in cursive script, appearing to read "Kristerfer Burnett".

Baltimore Councilmember Kristerfer Burnett - *8th District*
410-396-4818 | kristerfer.burnett@baltimorecity.gov

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Uploaded by: Senator Gile

Position: FAV

DAWN D. GILE
Legislative District 33
Anne Arundel County

Finance Committee

Chair

Anne Arundel County
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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of SB0582 - Business Regulation - Cigarette, Other Tobacco Product,
and Electronic Smoking Device Retailers - Nicotine Replacement Therapy Products
(Making Quitting Convenient Act)**

Madame Chair, Madame Vice Chair, and Fellow Members of the Senate Finance Committee:

SB0582 as-amended would require a licensed cigarette retailer and electronic smoking devices (ESDs) retailer to stock and offer for sale “nicotine replacement therapy (NRT) products,” drugs or devices approved by the federal Food and Drug Administration for the sole purpose of aiding in the cessation of tobacco use or smoking.

While smoking is on the decline, the fight against tobacco is far from over. Over 7,500 Maryland residents die each year from smoking-related diseases and hundreds of thousands more suffer from tobacco-related diseases such as COPD, emphysema, or cancers. Quitting smoking is one of the most important actions people can take to improve their health. This is true regardless of their age or how long they have been smoking.

This common-sense legislation aims to make quitting more convenient in Maryland by requiring that smoking cessation products, like NRTs, be offered for sale in stores that sell tobacco products. Evidence shows that NRTs helps make quitting smoking easier by relieving acute nicotine cravings.¹ With most decisions to quit spontaneous, meaning that a smoker tries to quit as soon as they make the decision to do, selling NRTs at convenience stores and other tobacco retailers along-side cigarettes could help support this spontaneous decision to quit, treat acute nicotine cravings, and prevent smoking relapses. With drug stores such as CVS no longer selling cigarettes, the opportunity to have smoking cessation products sold in the same store as tobacco products has diminished. SB0582 is about restoring this balance by increasing accessibility to products that are proven to help people quit smoking.

Per the Fiscal Note, SB0582 would not have additional state costs associated with it. For these reasons, I respectfully request a favorable report on SB0582.

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<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5003586/#:~:text=Current%20evidence%20suggests%20that%2C%20all,quitting%20by%2050%20to%2070%25.>

Sponsor Amendment_SB0582.pdf

Uploaded by: Senator Gile

Position: FAV



SB0582/353123/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

15 FEB 24
16:41:10

BY: Senator Gile
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 582
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “, **Other Tobacco Product,**”; in line 5, strike “, other tobacco products,”; in line 11, strike “, 16.5–101(a), (f), (j), and (l),”; in line 17, strike “, 16.5–214.1,”; and in line 22, strike “, 16.5–214.2,”.

AMENDMENT NO. 2

On page 3, in line 12, strike “SUBSECTIONS” and substitute “SUBSECTION”; and in the same line, strike “AND (D)”.

On pages 3 and 4, strike beginning with “**IF**” in line 25 on page 3 down through “**(E)**” in line 2 on page 4.

On page 4, in line 3, after “SECTION” insert “, INCLUDING REGULATIONS ESTABLISHING THE MANNER IN WHICH A LICENSEE MAY DEMONSTRATE COMPLIANCE WITH THIS SECTION”.

On pages 4 through 6, strike in their entirety the lines beginning with line 4 on page 4 through line 13 on page 6, inclusive.

On page 7, in line 23, strike “SUBSECTIONS” and substitute “SUBSECTION”; and in the same line, strike “AND (D)”.

On page 8, strike beginning with “**IF**” in line 7 down through “**(E)**” in line 14; and in line 15, after “SECTION” insert “, INCLUDING REGULATIONS ESTABLISHING THE”.

SB0582/353123/01
Amendments to SB 582
Page 2 of 2

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MANNER IN WHICH A LICENSEE MAY DEMONSTRATE COMPLIANCE WITH THIS SECTION".

2_22_24 PAVe Senate Testimony.pdf

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Position: FWA

TESTIMONY PRESENTED TO THE FINANCE COMMITTEE

SENATE BILL 582
BUSINESS REGULATION-CIGARETTE, OTHER TOBACCO PRODUCT, AND
ELECTRIC SMOKING DEVICE RETAILERS – NICOTINE REPLACEMENT
PRODUCTS
(MAKE QUITTING CONVENIENT ACT)

Parents Against Vaping e-cigarettes

POSITION: FAVORABLE

February 22, 2024

Chair Beidle, Vice Chair Klausmeier, and Members of this Committee, thank you for the opportunity to submit testimony in support of Senate Bill 582.

Parents Against Vaping e-cigarettes (PAVe) strongly supports SB582. PAVe is a grassroots community of passionate parents and concerned individuals committed to protecting children from the dangers of vaping and other flavored tobacco use.

We promote policies at the local, state and federal levels that reduce tobacco use and end the sale of flavored tobacco products that are hooking millions of kids.

SB582 is balanced, common-sense legislation that would require stores that sell tobacco products to sell at least one smoking cessation product that is a proven Nicotine Replacement Therapy, designed to help people quit nicotine use. Studies by the American Cancer Society and the Truth Initiative show using NRT can nearly double the chances of quitting smoking and increases quit rates from 50% to 70%. With over 90% of tobacco products sold at convenience stores, it only makes sense to make quitting more convenient by requiring these retailers to increase access to these potentially life-saving products.

According to the Society for Research on Nicotine and Tobacco, nearly half of quitting attempts are spontaneous, meaning that a smoker tries to quit as soon as they make the decision to do so. Selling NRTs at convenience stores near where tobacco products are sold would help support this spontaneous decision to quit by treating acute nicotine cravings and reducing cigarette usage relapse.

For these reasons and in the interest of public health, I urge you to Make Quitting Convenient in Maryland and support Senate Bill 582.

Parents Against Vaping
Cynthia Stremba
Director of Volunteers and
State and Local Advocacy
parentsagainstvaping.org
646-872-0730



SB582 testimony.pdf

Uploaded by: Kirk McCauley

Position: UNF



WMDA/CAR Service Station
and Automotive Repair Association

Chair: Pamela Beidle and Vice Chair Katherine Klausmeier, Members of Finance Committee.

RE: SB582: Business Regulation-Cigarette, Other Tobacco Products, and Electronic – Smoking Device Retailers – Nicotine Replacement Therapy Products – Make Quitting Convenient Act

Position: Unfavorable

My name is Kirk McCauley, my employer is WMDA/CAR, we represent service stations convenience stores and repair facilities across the state as a non- profit trade group.

The cost to carry a nicotine replacement product and having signage required by SB582 is an expense retailer does not need. Retail space behind the counter in plain view is reserved for items that sell quickly and return a good margin.

There are signs now required for age 21, and Military age 18 to be displayed, should bill HB1180-SB1056 pass. To add more signage and the cost of carrying a product that might or might not sell is a regulation small business does not need. They can still sell nicotine replacement by choice and if it is a good seller they most certainly would.

Please give SB582 an unfavorable report.

Any questions can be addressed to Kirk McCauley, 301-775-0221 or kmccauley@wmda.net

SB582_MRA_UNF.pdf

Uploaded by: Sarah Price

Position: UNF

MARYLAND RETAILERS ALLIANCE

The Voice of Retailing in Maryland



**SB582 Business Regulation - Cigarette, Other Tobacco Product, and Electronic Smoking Device Retailers - Nicotine Replacement Therapy Products
(Make Quitting Convenient Act)
Finance Committee
February 22, 2024**

Position: Unfavorable

The Maryland Retailers Alliance (MRA) has serious concerns about the overall impact of a slate of proposals introduced this year regarding tobacco sales. It appears that the legislature intends to use regulation as a vehicle for removing tobacco from the state through a combination of policies including high tax rates and retail sale prohibitions. We have chosen to address several bills in one document as these bills are scheduled to be heard in separate committees and on separate dates, and we want to ensure that each body is considering the full scope of these proposals and the impact of these policies as a package rather than passing them in a vacuum.

Our membership does not disagree with an intent to address minors' use of illegal products, but the manufacturing and sale of tobacco products is already a highly regulated industry. Age-restriction laws are in place to keep these items out of the hands of children, and consumers in Maryland face some of the highest taxes on tobacco in the country at \$3.75 per pack of 20 cigarettes – higher than all of our neighboring states: Virginia (\$0.60 per pack), West Virginia (\$1.20 per pack), Pennsylvania (\$2.60 per pack), Delaware (\$1.20 per pack), and even Ohio (\$1.60 per pack), North Carolina (\$0.45 per pack), and New Jersey (\$2.70 per pack).

Restricting or prohibiting the sale of products is often well-intentioned and seems like the simplest solution to curb tobacco use: ban or make it difficult for tobacco customers to buy their preferred products, and they will stop using them. We know from cases around the country where governments have passed local flavored tobacco bans that this is not the case. Customers who cannot conveniently purchase these products in Maryland will go to another state to buy the items that they are looking for. There are over 1,600 tobacco retailers within ten miles of Maryland's border in neighboring jurisdictions and no Marylander lives farther than 35 miles from a tobacco retailer across the state line. Users who face a barrier to travel will simply get their products online or illegally from the black market.

We support a regulated industry, and that includes making sure that the products that are available to customers are vetted items. Efforts to curb use that could result in increased black market activity may be detrimental to the health of adult consumers of tobacco products, and we would respectfully urge the Committees to strongly consider this when discussing these bills.

HB844/SB582 Business Regulation - Cigarette, Other Tobacco Product, and Electronic Smoking Device Retailers - Nicotine Replacement Therapy Products (Make Quitting Convenient Act)

SB582 would require any retailer that sells tobacco products to also sell nicotine replacement therapy products and to post signage in stores. It is inappropriate for the legislature to mandate that retailers carry specific products and to even establish parameters around ordering and stocking timelines, which can vary widely between individual business practices.

In addition to this overreach, the signage requirements in SB582 would be burdensome for businesses. “Real estate” space for notices and signs in stores is a tight market, and customers are already overwhelmed with signs on a multitude of topics in aisles, at the entrance of stores, and at the point of sale, especially in stores like pharmacies, grocery stores, and convenience stores that sell a wide variety of items. A federal order already exists which mandates that businesses post signage about the dangers of smoking, and this should be sufficient to suggest changes to consumer behavior.

We would urge an unfavorable vote on SB582.

HB1033/SB987 Business Regulation - Electronic Smoking Devices Manufacturers – Certifications

HB1033 would require the establishment of a directory of electronic smoking devices that have been approved for sale by the Food and Drug Administration (FDA), ostensibly in an effort to reduce the proliferation of illegal products in the market. We do not oppose the goal of this legislation but there are issues with the bill as proposed.

The directory created by HB1033 would allow the sale of products that have already received approval for sale by the FDA but the bill does not include any statutory requirement to update the directory as new products are approved. This omission fails to address products that were submitted for federal consideration by the September 9, 2020 deadline but which have not yet received a final decision from the FDA.

A separate bill being considered this year, HB1197, proposes a similar directory but requires the Office of the Attorney General to update the directory as needed in order to correctly reflect approved products. Our members have expressed a preference for HB1197 over HB1033 due to this difference.

We would urge an unfavorable report on HB1033.

*HB1197 Business Regulation - Electronic Smoking Devices Manufacturers –
Certifications*

HB1197 would require the establishment of a directory of electronic smoking devices that have been approved for sale by the Food and Drug Administration (FDA), ostensibly in an effort to reduce the proliferation of illegal products in the market. Unlike HB1033, HB1197 would require that the directory be updated to reflect products that have been newly approved for sale by the FDA, as many items were submitted for review by the federal deadline in 2020 but have yet to receive final determination. A similar bill was recently passed in Virginia and HB1197 would create a consistent market between Maryland and our close neighbor, decreasing the likelihood of consumers crossing the state line in search of specific legal products. Our members have expressed a preference of HB1197 over HB1033 for these reasons.

We would support a favorable report on HB1197.

*HB1180/SB1056 Cigarettes, Other Tobacco Products, and Electronic Smoking Devices -
Revisions (Tobacco Retail Modernization Act of 2024)*

HB1180 would, among other things, prohibit retailers with a pharmacy permit from selling tobacco products. As a proponent of the free market, we strongly oppose this prohibition which would restrict access to legal, regulated products for purchase by consenting adults. This is of extremely serious concern to not only our retail chain drug stores but also grocery stores in Maryland that provide a pharmacy counter in their community. It is unclear in the bill whether this prohibition on sales in pharmacies would apply only to the pharmacy area in grocery stores, or if retailers would be restricted from selling any tobacco products anywhere in a store that also includes a pharmacy counter.

Marylanders are accustomed to being able to buy a variety of goods outside of the primary categories of food and medicine at both grocery stores and pharmacies, with retail pharmacies often meeting consumer needs by operating as a small general store in many communities. As noted in our introduction, restricting access to legal products may only drive consumers to shop in jurisdictions outside of Maryland or to purchase their desired items through illegal, unregulated channels. We strongly oppose this proposal and believe that it would harm the business community in Maryland without effectively reducing tobacco use in the state.

We would urge an unfavorable vote on HB1180.

HB1073 Tobacco Tax - Cigarettes - Rate Alteration

HB1073 would increase the sales tax rate on cigarettes from \$3.75 per pack of 20 cigarettes to \$4.50 per pack, and from 17.5 cents per cigarette in a larger pack to 22.5 cents per cigarette. As noted in our introduction, Marylanders already pay a higher tobacco tax than consumers in any of our immediately neighboring states and beyond, and can reach cigarette retailers in any of those states by driving less than 40 miles. This

regressive tax would primarily impact tobacco use for consumers who cannot travel even that simple distance, and could result in higher sales in the black market rather than any actual reduction in tobacco use. Increasing the tax on cigarettes by almost \$1.00 per pack would increase “border bleed” sales and harm businesses by greatly increasing the price of legal, regulated products for adult consumers.

We would urge an unfavorable report on HB1073.

HB1414 Electronic Smoking Devices - Licensure, Indoor Use, and Taxation – Alterations

HB1414 would, among other things, increase the sales tax rate on electronic smoking devices from 12% to 30%. As noted in our introduction, regressive tax increases such as this merely encourage consumers to cross Maryland’s very close borders to purchase their desired products. Increasing prices as a method to encourage a change in consumer behavior is inappropriate for these items, as is using the consumption of certain products as a method of increasing tax revenue. Increasing this tax would harm businesses and increase prices for legal items for use by adults in Maryland. Other bills have been introduced which would update the Clean Indoor Air Act to restrict the indoor use of electronic smoking devices, and which have not been opposed by MRA.

We would urge an unfavorable report on HB1414.