

TOBACCO FLAVORS HOOK KIDS!

HB 3/SB __

Business Regulation - Flavored Tobacco Products - Prohibition

Restricting the sale of all flavored tobacco products including but not limited to, menthol cigarettes and flavored cigars

Youth Use of Tobacco in MD: ESDs Are Clear and Urgent Threat to Public Health

- Youth e-cigarette use in Maryland has skyrocketed in recent years. **23% of Maryland high school students currently use electronic smoking devices (ESD)**, a rate 5 times higher than adult use. While, they also **currently smoke cigars at 6%, cigarettes at 5%, and smokeless tobacco at 4.6%.**[1]
- Electronic smoking device companies created these products to be addictive. ESDs, including Juul and other products, deliver massive doses of nicotine, a highly addictive drug. Young people are especially vulnerable to nicotine addiction, so experimenting with these products can quickly result in dependence.[2]
- Nicotine is unsafe for adolescents. It can impair brain development, increase the likelihood of future addiction to other drugs and affect mood, attention, and impulse control.[3]
- Studies show that e-cigarette use is strongly associated with the use of other tobacco products by youth. One study suggests young people who use e-cigarettes are **4 times more likely to begin smoking combustible cigarettes.**[4]

- According to the FDA, **70% of youth electronic smoking device users** say they use the products because they come in appealing flavors.[6]
- ESDs come in more than **15,500 flavors** like cotton candy, gummy bear, mango, and mint.[7]
- The federal government's policy only restricts flavors in some types of e-cigarettes. It plans to take non-tobacco, non-menthol flavored cartridge based ESDs like Juul off the market but will leave flavored disposable ESDs and flavored e-liquids on the market. As a result, ESDs in thousands of flavors will remain widely available. It is imperative that states take action now to protect youth from these products.[8]
- According to the 2019 National Youth Tobacco Survey, **mint and menthol** flavored electronic smoking devices were the second most popular flavor category among high school users.[9]
- Cigars are the second most popular tobacco product among high school students.[10] 73.8% of youth cigar smokers smoked cigars "because they come in flavors I like." [11] (PATH Wave 1, 2013-2014)

Flavored Tobacco Products Are Designed to Attract and Hook Youth

- 81% of youth who have ever used tobacco started with a flavored product.[5]

Menthol Cigarettes

- Menthol flavoring lessens the harshness of smoking cigarettes, making it easier for young people to start.
- In 2014, 54.5% of high schoolers and 48.4% of middle schoolers who smoked used menthol cigarettes.[12]
- Menthol cigarettes disproportionately affect African Americans--85% of African American smokers aged 12 and older use menthol cigarettes.[13]
- Tobacco manufacturers have aggressively targeted communities of color and the LGBTQ community with their menthol products, leading to an unequal burden of death and disease.

[1] Maryland Department of Health, Preliminary data from *Youth Tobacco Product Use 2018-2019*.

[2] 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.

[3] Office of the Surgeon General, *Know the Risks: E-cigarettes and Young People*, accessed 2 January 2020.

[4] Soneji, S et al., "Association Between Initial Use of e-Cigarettes and Subsequent Cigarette Smoking Among Adolescents and Young Adults: A Systematic Review and Meta-analysis." *JAMA pediatrics*, 171(8), 788-797 doi:10.1001/jamapediatrics.2017.1488, 26 June 2017.

[5] 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.

[6] FDA, *Guidance for Industry: Modifications to Compliance Policy for Certain Deemed Tobacco Products*, 14 March 2019.

[7] Evolution of Electronic Cigarette Brands from 2013-2014 to 2016-2017: Analysis of Brand Websites," *Journal of Medical Internet Research*, 20(3), published online 12 March 2018.

[8] FDA, *Guidance for Industry: Enforcement Priorities for Electronic Nicotine Delivery System (ENDS) and Other Deemed Products on the Market Without Premarket Authorization*, January 2020.

[9] Leventhal, AM, et al., "Flavors of e-Cigarettes Used by Youths in the United States," *JAMA*, published online 5 November 2019.

[10] Wang, TW, et al., "Tobacco Product Use and Associated Factors Among Middle and High School Students—United States, 2019," *MMWR*, 68(12): 6 December, 2019.

[11] Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *JAMA*, published online 26 October 2015.

[12] The Truth Initiative, *Menthol: Facts, stats, and regulations*, 31 August 2018.

[13] [ibid]

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Broad Support for Restricting the Sale of Flavored Tobacco Products

MD Tobacco Free Coalition