

Electronic Nicotine Delivery Systems - Licensing (SB119/HB523)

Bill Summary: This bill would require manufacturers, retailers, storage warehouses, vape shop vendors, and wholesalers of electronic nicotine delivery systems (ENDS) to have an appropriate license. Holders of these license will be subject to restrictions and regulations, which include the implementation of certain application procedures and fees, requiring that the license must be displayed in a certain manner, and prohibiting a person from reapplying for a license within a certain period of time after it was revoked. Online sales,

Support: The Maryland Association of County Health Officials (MACHO) supports this bills, citing health concerns that ENDS devices have on youths, particularly those in middle school and high school. Other concerns of ENDS devices relate to nicotine and the effects it has on expecting mothers and their babies, as well as the effect of elevated nicotine levels in the blood stream. From 2011-2015 ENDS usage my high school students in Maryland increased from 2% to 25%. Three concerns that this bill addresses are (1) that the current enforcement of the state law that END products is impossible since the number of ENDS shops is unknown since they are not required to obtain a license to sell ENDS products, (2) the current nature of penalties in which this bill will provide accountability for repeat offenders, and (3) the fact that ENDS are still not regulated in which this bill will begin the process of creating ENDS' regulation similar to alcohol and tobacco.

Opposition: Opposition comes from ENDS shop owners, manufacturers, and users. These individuals stress that ENDS use needs to be seen as harm prevention, citing their use to end addiction to tobacco products and other studies that say the usage of ENDS products is not harmful in comparison to tobacco product. Other opposition rests on the harsh regulations that are being imposed by the federal government, taking effect in August, issues with restrictions of online sales and transport of merchandise, and the number of licenses that would be required if individuals manufactured ENDS inputs and sold products.

St. Mary's County: In St. Mary's County 25.9% of students use ENDS products and 42% have tried using ENDS devices (HSMP). The Surgeon General notes that nearly all of first time tobacco use occurs before the age of 18 (HSMP). In the Healthy St. Mary's Partnership 2020 Plan, reducing the number of school-aged children who have tried tobacco products and who use tobacco products is a priority. Specifically, one of their goal indicators is to "expand education efforts targeting youth use of e-cigarettes, as e-cigarette use may encourage tobacco product use." This bill would align state legislation with the goals of the Healthy St. Mary's Partnership 2020 Plan.

Status: The first committee hearing for SB119 in the Finance Committee was on February 2nd. Senator Middleton (the sponsor) will be working with the support and opposition sides to amend the bill in a way that will work for both parties. HB523 will have a hearing on February 15th in the Economic Matters Committee.