



House Bill 489

Electronic Cigarettes – Sale to Minors – Components, Supplies, and Enforcement

MACo Position: **SUPPORT**

To: Economic Matters & Judiciary Committees

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From: Natasha Mehu

The Maryland Association of Counties (MACo) **SUPPORTS** HB 489. MACo believes HB 489 should help to close an inadvertent loophole that allows the sale of electronic cigarette components and supplies to a minor, while sales of the electronic cigarettes are clearly prohibited.

Multiple electronic devices (such as electronic cigarettes, cigar, cigarillo, or pipe) on the market can be used to deliver nicotine that can be inhaled and exhaled in a vapor. Some of these devices operate with removable and/or refillable cartridges for nicotine which can be purchased separately from the device. The components and refills can come in flavors such as chocolate, mint, or strawberry, which are appealing to minors.

While Maryland is one of at least 41 states that prohibit sales of these electronic devices (commonly known as electronic cigarettes) to minors, there is no prohibition against the sale to minors of electronic device components or products used to refill or resupply the devices. This bill would close that loophole.

In addition, the bill would change the penalty for a violation under the statute from a misdemeanor conviction to a fine, and would authorize law enforcement and county health officers (or their designee) to issue the civil citations for violations. Whereas the previous law did not provide any enforcement, this change in penalty provides an enforcement mechanism for violations and does so without adding any additional burden to local resources. The bill remits any penalties collected for a violation to the county in which the violation occurs.

As the use of electronic cigarettes among youths rises exponentially and the potential risks of using electronic cigarettes have not been fully studied, MACo supports closing this gap on sales to minors and the ability for local law enforcement and health officers to enforce the penalties against violators of this law. For these reasons, MACo urges a **FAVORABLE** report on HB 489.