TESTIMONY IN SUPPORT OF H.2310 AND S.1459
AN ACT TO PROTECT YOUTH FROM THE HARMs OF TOBACCO AND E-CIGARETTE PRODUCTS –
BEFORE THE COMMITTEE ON PUBLIC HEALTH
NOVEMBER 3, 2021

The Massachusetts Medical Society (MMS) is a professional association of over 25,000 physicians and medical students and advocates on behalf of patients for a better health care system, and on behalf of physicians, to help them to provide the best care possible. The Medical Society has longstanding policy supporting legislation to limit exposure to and use of tobacco products, especially by young people. To that end, the MMS wishes to be recorded in strong support for H.2310 and S.1459, identical bills that would prohibit a manufacturer or retailer from selling, distributing, or causing to be distributed a tobacco product to a consumer, except in an adult-only retail tobacco store or in a smoking bar. The bill defines adult only retail tobacco store as “an establishment that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale but not for resale, tobacco products and tobacco paraphernalia, in which the sale of other products or offer of services is merely incidental, and in which the entry of persons under the minimum legal sales age is prohibited at all times, and which maintains all municipal and state permits required for the retail sale of tobacco products.”

The statistics pointing to the benefits of protecting young people from tobacco are compelling. According to the U.S. Centers for Disease Control and Prevention (CDC) data on youth and tobacco use, if cigarette smoking continues at the current rate among youth in this country, 5.6 million of today’s Americans younger than 18 will die early from a smoking-related illness. That’s about 1 of every 13 Americans aged 17 years or younger who are alive today.\(^1\) Further pointing to the importance of preventing tobacco product use among youth as a critical component to ending the tobacco epidemic in the United States is the fact that nearly 9 out of 10 adults who smoke cigarettes daily first try smoking by age 18, and 99% first try smoking by age 26.\(^2\)

According to the Department of Public Health Tobacco Control Program, in 2017 6.4% of Massachusetts high school youth reported smoking cigarettes, 11.4% of Massachusetts high school youth were current users of any conventional product, and 20.1% of Massachusetts high school youth reported using an electronic nicotine delivery product (e-cigarette). These statistics are especially troubling when considering that adolescents are especially harmed by nicotine since their brains are still developing. Nicotine can produce structural and chemical changes in the developing brain and may lead to future

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alcohol and other drug addiction, panic attacks, and depression. Because of the way nicotine changes the brain, people who start smoking as adolescents smoke more and have a harder time quitting than people who start as adults.

Passage of H.2310/S.1459 will directly benefit this population by making tobacco products more difficult for young people to access.

For all of the above reasons, the MMS opposes the following legislation that would weaken existing tobacco control laws in Massachusetts:

- **H.2237, An Act Relative to Tobacco Harm-Reduction** - would exempt modified risk tobacco products, such as e-cigarettes, that are designed by the United States Food and Drug Administration as significantly reducing harm and the risk of tobacco-related disease to individual tobacco users and that benefit the health of the population as a whole from bans on the sale of flavored tobacco products.

- **H.2369, An Act Relative to the Sale of Electronic Nicotine Delivery Systems** - would criminalize the manufacture, sale or furnishing of an illicit electronic nicotine delivery system, defined as any electronic nicotine delivery system that is not registered with the U.S. Food and Drug Administration; requires the Attorney General to maintain a directory of persons who have attested that they are in compliance with U.S. Food and Drug Administration requirements respecting electronic nicotine delivery systems.

- **HB2406/S.1433, An Act to Repeal the State Menthol Ban** – would weaken current tobacco laws relative to the sale of flavored tobacco products to ban only those flavored smoking products that are delivered through an electronic nicotine delivery system.

- **S.1373, An Act to Protect Communities of Color** – would extend the effective date for bans on flavored and menthol tobacco products until June 1, 2021, and extend implementation of restrictions on electronic nicotine delivery systems. (filed by request)

Thank you for your consideration of these comments in your deliberations on the above referenced legislation.