

The Vaping
Epidemic



**Montgomery
County
takes action**

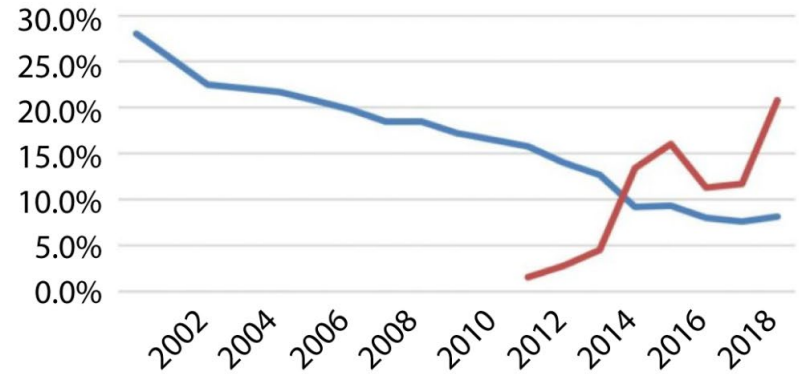
Presented by:

Tom Hucker, Vice President
Montgomery County Council

Why We Need to Act

- E-cigarette use rose 78% in 1 year among U.S. high-schoolers.
- Last year, 3 county high-schoolers fell unconscious after vaping, taken to ER.
- Vaping now so prevalent that students call school bathrooms “vape rooms.”

**Vaping Use Among U.S. High School Students
2000 - 2018**



Source: CDC

— Smoking — E-cigarettes

Health authorities in 33 states are investigating more than 450 cases of severe respiratory illnesses associated with vaping, with many cases involving teens and young adults.

CDC warned e-cigarette users to stop using these products while investigations into these illnesses are ongoing.



Montgomery County — Early Action

County has been national leader in fighting vaping.

In 2015, County Council took action to discourage e-cigarette use:

- Passed my bill imposing 30% excise tax on e-cigarettes; first local U.S. jurisdiction to do so.
- Banned vaping where smoking is also prohibited.

Last year, sued Juul Labs in federal court, claiming violations of Maryland's and county's Consumer Protection Acts in marketing its products to teens.

Why More County Action Is Needed

State action raising age of tobacco and vape sales to 21 positive, but not enough. County can't count on proposed state ban on sales of flavored e-cigarettes.

President Trump's recent election-year cave-in to vaping industry shows federal government can't be relied on to protect our kids.



Pending: A Package to Curb Youth Vaping in County

Last fall, county councilmembers introduced 4 measures — 3 bills and 1 zoning text amendment — intended to reduce the number of students getting hooked on nicotine through e-cigarettes.

**Youth and Tobacco:
A New Crisis**

American Heart Association. UNIVERSITY OF MISSOURI COLUMBIA

Addicting a New Generation

E-cigarettes and other products like cigarillos, hookah and smokeless tobacco pose a significant threat. They are gaining popularity, especially with kids and young adults.

In 2018, more than **3.6 MILLION** U.S. middle and high school students used e-cigarettes in the past 30 days, including:

- 4.9%** MIDDLE SCHOOL STUDENTS
- 20.8%** HIGH SCHOOL STUDENTS

Many adolescents falsely believe these new products are safe. Some don't even realize they contain nicotine. But they can deliver much higher concentrations of addictive nicotine than traditional cigarettes.

There is evidence that kids and young adults may transition from these products to cigarettes and other drugs.

Nearly **90 PERCENT** of smokers first try a tobacco product by age 18.

CDC CENTERS FOR DISEASE CONTROL AND PREVENTION | Bloomberg Philanthropies



As Board of Health, County Council Can Restrict Sales

- Under County Code, the Council may act as the County Board of Health and adopt regulations that a local Board of Health can adopt under state law.
- State law authorizes the County Board of Health to adopt regulations regarding any nuisance or cause of disease in the county.
- The Council, sitting as the Board of Health, finds that prohibiting the distribution of flavored e-cigarettes to retail stores is needed to protect the health of county residents.

What Our Legislation Would Do

There are 37 registered vaping retailers in the county, up from 29 in FY19.

- Bill 29-19 prohibits manufacturers from distributing e-cigarettes to retail stores within a half-mile of county middle and high schools.
- Bill 32-19 prohibits manufacturers from distributing flavored e-cigarettes to stores within 1 mile of an elementary, middle or high school, both public and private.

What Our Legislation Would Do (continued)

- Bill 31-19 brings the county into compliance with new state law raising the age of tobacco and vaping sales.
- It also expands our enforcement capability, by giving our alcohol inspectors broader civil authority to crack down on underage sales of vaping products by retailers like convenience stores and gas stations — plus other types of stores, like clothing stores that are now selling vaping products.

What Our Legislation Would Do (continued)

- Finally, ZTA 19-06 adds Vape Shop as a limited use allowed in certain zones.
- Such shops must be at least a half-mile from any middle or high school.
- They may continue as a nonconforming use if they predate the school.
- A Vape Shop may continue to operate for 24 months after the effective date of the ZTA.

Impact on Retail Vaping Industry

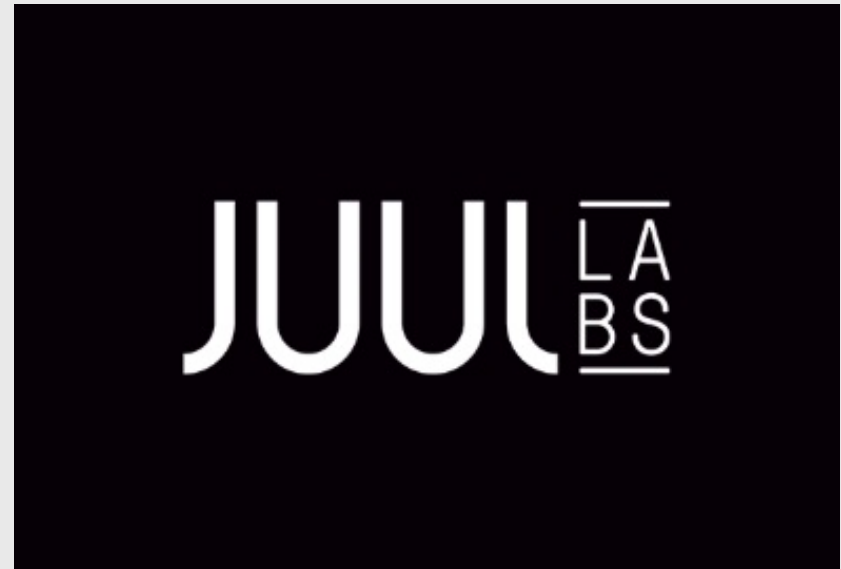
- Legislation would force more than 90% of county's vape retailers to close or move within two years.
- Projected to reduce revenues from e-cigarette excise taxes, which were expected to grow 88% last year over 2018.
- Total collections in 2019 estimated at \$1.3 million, or 0.02% of county's \$5.8 billion FY20 operating budget — a small price to pay to safeguard our children's health.

Where Things Stand Now

- At public hearings in November, members of the public supported the measures; two business groups opposed them.
- ZTA goes to Planning, Housing & Economic Development Committee in March.
- HHS Committee recommended other bills.
- Bills and ZTA go to full council after PHED considers ZTA.
- Measures enjoy broad support among councilmembers.

Where Things Stand Now (continued)

- Racketeering lawsuit against Juul Labs proceeds, with consolidation of probably 500-600 plaintiffs underway.
- Lawsuit includes Altria (formerly Philip Morris), which bought \$12.8 billion stake in Juul in 2018.



Montgomery County Resources

Lead sponsors of anti-vaping legislation:

Gabe Albornoz, chair, HHS Committee:

Councilmember.Albornoz@montgomerycountymd.gov; 240-777-7959

Craig Rice, chair, Education Committee:

Councilmember.Rice@montgomerycountymd.gov; 240-777-7955

Tom Hucker, chair, Transportation & Environment:

Councilmember.Hucker@montgomerycountymd.gov; 240-777-7960

Other resources:

Amanda Mihill, council legislative analyst:

Amanda.Mihill@montgomerycountymd.gov; 240-777-7815

Dr. Travis A. Gayles, County Public Health Officer:

Travis.Gayles@montgomerycountymd.gov; 240-777-1741