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	Subject	Council Bill 09-0985 – Unpackaged Cigarette or Cigars		

To: President and Members
of the City Council
c/o
409 City Hall

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The Baltimore City Health Department (BCHD) supports Council Bill 09-0985. The purpose of the Bill is to strengthen the prohibition against the sale or transfer of unpackaged cigarettes and extending that prohibition to include certain unpackaged cigars. This legislation would require that cigars be sold in packages of at least five, eliminating the sale of single cigars. The restriction does not apply to sales of cigars with a wholesale price of \$2 or more nor to sales at tobacco shops.

What distinguishes a cigar from a cigarette under Maryland law is its wrapping. By definition, a cigarette is a roll of tobacco made for smoking that “is wrapped in paper or in any other material except tobacco.”ⁱ By contrast, a cigar is a roll of tobacco made for smoking that is wrapped in tobacco or in a substance containing tobacco. This difference in wrapping requires that cigars be viewed differently under the law than cigarettes, including restrictions on single sales. Smaller, inexpensive cigars such as Black and Milds, Swisher Sweets, and Phillie Blunts are inexpensive and typically sell for \$0.50-\$1.00 for a single cigar. When sold singly, cigars carry none of the Surgeon General health warnings required on cigar packaging.

Cigars have nicotine levels (100-200 mg nicotine) that are much higher than cigarettes (~8.4 mg nicotine). In addition, cigars contain 5 to 17 g of tobacco on average while cigarettes usually contain less than 1 g.ⁱⁱ Data from interview studies and observational studies also support that smaller, inexpensive cigars are often inhaled like a traditional cigarette, rather than smoked with minimal inhalation like a larger cigar.ⁱⁱⁱ

Regardless of the form of tobacco, increased consumption, early onset of smoking and duration of use equate to increased risk. By the age of 40, the average cigar smoker has lost 5 years of his life.^{iv} Cancer, cardiovascular disease and lung disease are among the major risks associated with smoking.

Recent evidence indicates rising consumption of smaller cigars, particularly among African-American youth. In 2005, research on this topic was presented at the American Public Health Association’s annual meeting. This study examined tobacco use among freshman at a historically black university and found that among the students who reported ever using tobacco,

students were more likely to smoke small cigars (74.13%) than either cigarettes (68.90%) or other cigars (33.43%). Similarly, among students who had smoked within the past 30 days, more students reported using small cigars (73.56%) than cigarettes (43.68%).^y Far from an isolated city issue, this is a nationwide issue, as evidenced by the 2005 Youth Risk Behavior surveillance report which indicated 14% of high school students smoke cigars. And Black and Milds registered as the preferred brand across all racial, ethnic and gender lines.^{vi}

In a recent interview study performed with local young adult employment training programs in Baltimore, 23.9% of young adult (18-24) urban African Americans reported that they had smoked Black and Milds, the most popular brand of little cigars, at least once in the past 30 days.^{vii} In response to this, the Baltimore City Health Department hosted a community forum, where over 50 young adults shared their thoughts on small cigar use in Baltimore.

They reported that use was prevalent, and fueled by such factors as the low cost of the single cigars, misconceptions about the health effects of small cigars as compared to cigarettes; widespread availability at local stores; and enticing flavors. Teens who smoke small cigars may believe that the products are completely different from cigarettes; they are seen as a “cleaner” smoke and some believe they contain no nicotine.^{viii, ix} However, research has shown that these products are no less addictive and pose significant health risks.

The low cost of small cigars when sold singly is of particular concern for young adults in the 18-24 demographic as well as younger buyers who may elude enforcement. These groups are a particularly cost-sensitive population.^x Research by tobacco companies has clearly shown that increasing the cost of tobacco products has a large effect, driving down rates of smoking among young adults at an estimated rate of 11.9% for every 10% increase in price.^{xi} This is especially important as initiation of tobacco use generally occurs at a young age; thus, preventing smoking among this population can reduce rates for an entire generation.^{xii}

Under Maryland law, cigarettes may only be sold in packs of 20 or more.^{xiii} However, no federal, State, or local law regulates the quantity in which retailers may sell cigars. The ability to sell inexpensive cigars singly increases their accessibility to youth, allowing them to purchase harmful tobacco products at a lower price. Preventing the sale of single cigars under \$2.00 at non-tobacconist shops will raise the cost of smoking, reduce the accessibility of cheap cigars and therefore reduce tobacco use among the young.

The wide availability, low price, and frequent use of cigars, specifically smaller, inexpensive cigars, among youth are a cause for concern. Small, inexpensive cigars harm personal and public health by the same mechanisms as cigarettes, and similarly, restricting their use could do much to improve the health of young people. By prohibiting the sale of individual little cigars, Bill 09-0385 helps address many of these issues.

For these reasons, BCHD supports Bill 09-0385.

ⁱ Md. Bus. Reg. Code Ann. §16-101(b); Md. Com. Law Code Ann. §11-501(c); Md. Tax-Gen. Code Ann. §12-101(b).

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- ix. Email communication from Jeff Jordan, president and founder of Rescue Social Change, to the Baltimore City Health Department (August 29, 2007).
- x. Lindblom, Eric, Campaign for Tobacco-Free Kids. Raising cigarette taxes reduces smoking, especially among kids. 11 June 2007. Accessed February 19, 2008 at <http://www.tobaccofreekids.org/research/factsheets/pdf/0146.pdf>.
- xi. Ibid.
- xii. Ibid.
- xiii. Md. Code Ann., Com. Law § 11-5A-02 (2007).

