



House Bill 1011

Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Local Law Authorization

MACo Position: **SUPPORT**

To: Economics Matters Committee

Date: February 24, 2021

From: Michael Sanderson

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1011 as the bill would reverse a Maryland Court of Appeals decision that preempts local tobacco regulation.

In 2013, the Maryland Court of Appeals ruled that a Prince George's County ordinance regulating the size of cigar packs was preempted by the General Assembly. The broad, and most pervasive, interpretation of the ruling in *Altadis v. Prince George's County* is that local governments may not regulate the packaging, sale, and distribution of tobacco products, including cigars, as State law has occupied that field.

Without ever passing a law that actually states that local governments are preempted in this field, the State has effectively created this as its policy. This "implied preemption" has denied communities a tool to respond to local problems, and to go beyond the floor set by the statewide laws enacted by the General Assembly.

HB 1011 would allow local governments to regulate the sale and distribution of tobacco products. This is important as local governments are best situated to understand the dynamic of tobacco use and the needs of their communities.

While there are state criminal laws prohibiting tobacco sales to minors, there is no state agency that actively enforces the law. Consequently, in many jurisdictions, it is up to the local health departments – to the limited extent they can under law – to enforce prohibitions preventing youth access and sales to minors. At least 10 counties have enacted and enforce such laws. This bill would ensure all counties are in the position to protect youth and their communities.

This bill would return the proper authority to local governments to manage tobacco access concerns at the local level. MACo urges a **FAVORABLE** report on HB 1011.