



House Bill 1485

*Other Tobacco Products – Local Laws for Sale and Distribution –
Intent of the General Assembly*

MACo Position: **SUPPORT**

To: Economic Matters Committee

Date: March 2, 2016

From: Natasha Mehu & Michael Sanderson

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1485 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 interpretation of the ruling in *Altadis v. Prince George's County* is that the local governments may not regulate the packaging and sale of tobacco products, including cigars, as State law has occupied that field.

HB 1485 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 1485.