

HOUSE BILL 477

C2
HB 1011/21 – ECM

2lr1331
CF SB 99

By: **Delegate Fennell**

Introduced and read first time: January 21, 2022

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Cigarettes, Tobacco Products, and Electronic Smoking Devices – Local Law**
3 **Authorization**

4 FOR the purpose of authorizing a county or municipality to enact and enforce local laws
5 regulating the sale and distribution of cigarettes, other tobacco products, and
6 electronic smoking devices, subject to certain exceptions; declaring the intent of the
7 General Assembly; and generally relating to the regulation of cigarettes, other
8 tobacco products, and electronic smoking devices in counties and municipalities.

9 BY adding to

10 Article – Business Regulation
11 Section 16–308.4, 16.5–104, and 16.7–103
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2021 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Business Regulation**

17 **16–308.4.**

18 **EXCEPT FOR THE ISSUANCE OF LICENSES UNDER THIS TITLE OR THE**
19 **IMPOSITION OF TAXES ON CIGARETTES UNDER TITLE 12 OF THE TAX – GENERAL**
20 **ARTICLE, A COUNTY OR MUNICIPALITY MAY ENACT AND ENFORCE LOCAL LAWS**
21 **THAT ARE AT LEAST AS STRINGENT AS THE PROVISIONS OF THIS TITLE THAT**
22 **REGULATE THE SALE AND DISTRIBUTION OF CIGARETTES.**

23 **16.5–104.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **EXCEPT FOR THE ISSUANCE OF LICENSES UNDER THIS TITLE OR THE**
2 **IMPOSITION OF TAXES ON OTHER TOBACCO PRODUCTS UNDER TITLE 12 OF THE TAX**
3 **– GENERAL ARTICLE, A COUNTY OR MUNICIPALITY MAY ENACT AND ENFORCE**
4 **LOCAL LAWS THAT ARE AT LEAST AS STRINGENT AS THE PROVISIONS OF THIS TITLE**
5 **THAT REGULATE THE SALE AND DISTRIBUTION OF OTHER TOBACCO PRODUCTS.**

6 **16.7–103.**

7 **EXCEPT FOR THE ISSUANCE OF LICENSES UNDER THIS TITLE, A COUNTY OR**
8 **MUNICIPALITY MAY ENACT AND ENFORCE LOCAL LAWS THAT ARE AT LEAST AS**
9 **STRINGENT AS THE PROVISIONS OF THIS TITLE THAT REGULATE THE SALE AND**
10 **DISTRIBUTION OF ELECTRONIC SMOKING DEVICES.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General
12 Assembly that this Act be applied and interpreted to abrogate the holding of the Court of
13 Appeals in Altadis U.S.A., Inc. v. Prince George’s County, 431 Md. 307.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2022.