



THE PRINCE GEORGE'S COUNTY GOVERNMENT

(301) 952-3700
County Council

POSITION STATEMENT

HB 477
Del. Fennell
(Economic Matters
Committee)

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

POSITION:

SUPPORT

HB 477– Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Local Law Authorization – FOR the purpose of authorizing a county or municipality to enact and enforce local laws regulating the sale and distribution of cigarettes, other tobacco products, and electronic smoking devices, subject to certain exceptions; declaring the intent of the General Assembly; and generally relating to the regulation of cigarettes, other tobacco products, and electronic smoking devices in counties and municipalities.

This legislation was drafted to work in hand with proposed Statewide legislation that would prohibit sales of certain cigarettes, tobacco products, and electronic smoking devices. If passed, SB 99 would allow a county or municipality to enact and enforce local laws regulating these sales.

In 2013, the Maryland Court of Appeal altered the legal landscape in Maryland by finding that state law preempts some local tobacco control laws. (*Altadis U.S.A., Inc. v. Prince George's County, Maryland*, 431 Md. 307 (2013)) The Court of Appeals ruled that local jurisdictions could not adopt ordinances applying to other tobacco products when it reasoned that the legislature has passed extensive laws relating to the packaging and sale of tobacco products and; therefore, preempts any local jurisdiction from regulating in this area. Stating, “because of the breadth and extend of these laws, the legislature did not intend to leave any authority to locals to regulate this subject matter.”

As a result, no jurisdiction has proposed an ordinance regulating cigarettes or other tobacco products for fear of lengthy and expensive legal challenge and some jurisdictions have stopped enforcing local laws that existed prior to the Altadis decision. Passing this legislation will allow Prince George's County (as well as other counties) more authority when it comes to dealing with these matters.

For the foregoing reasons, I **SUPPORT HB 477** and respectfully request your favorable consideration of this legislation.

Prepared by: LA PEREZ CONSULTING
On behalf of the Prince George's County Council

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