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Committee

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Joint Committee on Administrative,
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Testimony of Delegate Samuel I. Rosenberg
Before the House Economic Matters Committee
In support of House Bill 443

**Baltimore City - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices –
Local Laws Authorization**

Mr. Chair and Members of the committee:

An essential element of our government is the principle of self-determination. Every citizen has a fundamental right to determine the officials that represent their interests at local, state, and federal levels. At each level of government, these representatives are tasked with the duty of advocating for and voting on behalf of the people who elected them.

However, the needs and interests of citizens vary according to the level of government. Cities and local governments are in part established to govern smaller populations more effectively. For this reason, it is common in our American tradition for local governments to have autonomy from invasive oversight from higher levels of government.

In 2013, the Maryland Court of Appeals stripped the City of Baltimore of its ability to respond to the concerns of its citizens, finding that the state had developed “comprehensive regulation” of tobacco products that resulted in “implied preemption” of local governance. It is imperative that the state legislature restore the City’s rightful ability to respond to the health needs of its citizens.

Local government has been a test lab for regulations for years. This body adopted a statewide ban on smoking in public places, modeled after laws passed in Montgomery and Talbot County. Then, as now, opponents of smoking regulations attempted to persuade

legislators that the fiscal cost of regulation was more important than the moral and social justification.

Thanks to regulations already in place and tested at the local level, anecdotal claims of business being destroyed by the smoking regulations were undercut by reports from the state comptroller that after an adjustment period in which revenues were flat, bar and restaurant revenues came roaring back with a 17% growth the following year. We, as state legislators, were able to make informed policy decisions because these policies had been tested at the local level.

Whether or not cigarette wrappers lead to economic hardship is an argument for the Baltimore City Council, not for the Maryland State Legislature. This bill imposes no new regulations; it merely gives the City the ability to do so. Our city and county governments should be able to decide their own regulations. The effects can be observed, and the most effective policies can subsequently be adopted by the state. Basic principles of republican governance require that local governments be able respond to the needs of their citizens.

For all these reasons, I urge this delegation to report favorably on this bill.

March 2, 2022