



BILL: HB 442 - Baltimore City - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Local Law Authorization

COMMITTEE: House Economic Matters Committee

POSITION: Letter of Support

BILL ANALYSIS: HB 442 would authorize Baltimore City to enact and enforce local laws regulating the sale and distribution of cigarettes, other tobacco products, and electronic smoking devices, subject to certain exceptions.

POSITION RATIONALE: The Maryland Association of County Health Officers (MACHO) strongly supports House Bill (HB) 442. This legislation will enable the enactment of evidence-based local public health regulations shown to reduce tobacco and electronic nicotine use.¹ HB 442 sends a clear message that Baltimore City may enact legislation that best meets the health needs of its residents without requiring other jurisdictions to take on policies that exceed the decisions of the full General Assembly. Baltimore City has been unable to take such actions since 2013 when the Maryland Court of Appeals held that, in its interpretation, existing state law preempted local laws regarding tobacco control (*Altadis U.S.A. v. Prince George's, Maryland*)² Passage of HB 442 will clarify for the Court that it is the intent of the Legislature to allow local jurisdictions to act in the best interests of its electorate in the context of this important health policy area.

HB 442 acknowledges that in tobacco control, individual jurisdictions in Maryland are impacted in different ways. The concentration of tobacco vendors, the proximity of vendors to schools and other facilities that attract children and adolescents, and the local cultural factors that lead to generational views on the acceptance of tobacco and electronic smoking devices, vary considerably around the state. Maintaining the current one-size-fits-all approach ignores the realities of disparate tobacco and nicotine addiction and disease across local populations within Maryland. As we've seen nicotine addiction surge among adolescents since the mass marketing of vaping products, the ability of local governments to respond in a timely and effective manner to tobacco products and electronic smoking device control is even more important in 2022 than it was in 2013.

To enable Baltimore City to enact tobacco control solutions that best meet its needs of its residents, the Maryland Association of County Health Officers submits this letter of support for HB 442. For more information, please contact Ruth Maiorana, MACHO Executive Director at рмаioral@jhu.edu or 410-937-1433. *This communication reflects the position of MACHO.*

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¹ "A broad consensus exists among public health practitioners and tobacco control advocates that preemption has an adverse impact on tobacco control efforts." Mowery, P.D., Babb, S., Hobart, R., Tworek, C., MacNeil, A. "The Impact of State Preemption of Local Smoking Restrictions on Public Health Protections and Changes in Social Norms", *Journal of Environmental and Public Health*, (2012). vol. 2012, . <https://doi.org/10.1155/2012/632629>. "Research has documented the effectiveness of laws and policies in a comprehensive tobacco control effort to protect the public from secondhand smoke exposure, promote cessation, and prevent initiation..."Centers for Disease Control and Prevention. Best Practices for Comprehensive Tobacco Control Programs—2014. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

² *Altadis USA, inc., et al. v. Prince George's County, Maryland* (<https://caselaw.findlaw.com/md-court-of-appeals/1629061.html> April 25, 2013).