

MDDCSAM - SB 410 FAV - Local Control - Tobacco.pdf

Uploaded by: Adams, MD, Joseph

Position: FAV

SB 410 Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Local Law Authorization
Senate Finance Committee February 11, 2021 Joseph A. Adams, MD, FASAM

SUPPORT

Anti-preemption policies, i.e. policies which prevent preemption of local laws, is an important public health principle according to the American Public Health Association (**APHA**), the Center for Disease Control and Prevention (**CDC**), the Office of Disease Prevention and Health Promotion of the U.S. Dept of Health & Human Services (**HHS**), and others.

An illustration is the process by which the law establishing smoke-free public places in Maryland was passed in 2007. **I and other tobacco control advocates spent years working to enact a series of local smoke-free laws, knowing that this was our only path to a state-wide law.** Montgomery County was first, followed by Prince Georges and Talbot, then Charles and Howard. When Baltimore City became the sixth Maryland jurisdiction to enact a local smoke-free ordinance, the Maryland General Assembly was able to enact a statewide law the same year. This was followed by a 33% decline in Maryland smoking rates between 1998 to 2009, double the rate of decline nationally. ('Ban on smoking becomes Md. law.' May 18, 2007 The Baltimore Sun <https://www.baltimoresun.com/news/bs-xpm-2007-05-18-0705180101-story.html>)

According to a **Policy Statement by the APHA (November 2015) entitled 'Impact of Preemptive Laws on Public Health,'** "...State and local governments are often at the forefront of public health policy-making. **Some of the most effective public health policies have been enacted at the state and local levels.** Legislators should support evidence-based policy-making by considering the impact preemptive laws may have on state and local public health efforts." <https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2016/01/11/11/08/impact-of-preemptive-laws-on-public-health>.

According to **the CDC** in an online article entitled '**Preemption Can Impede Local Tobacco Protection Efforts,**' "Communities have adopted and put into action some of the strongest, innovative, and effective tobacco control policies that have served as a catalyst for transitioning social norms about tobacco use. . . **The tobacco industry has historically supported state preemption laws as a way to reverse existing local tobacco control laws and prevent future enactment of such laws.**" <https://www.cdc.gov/statesystem/factsheets/preemption/Preemption.html>

One of the objectives listed in the HHS report 'Healthy People 2030,' is to **"Eliminate policies in states, territories, and the District of Columbia that preempt stronger local tobacco control policies."** <https://health.gov/healthypeople/search?query=preemption>

SB0410 Written Testimony 2.9.2021.pdf

Uploaded by: Ashley-Williams, Wandra

Position: FAV

February 9, 2021

BILL: SB0410
TITLE: Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Local Law Authorization
POSITION: SUPPORT
HEARING DATE: 2/11/2021
COMMITTEE: Finance
SPONSOR: Senator Benjamin Kramer

Climate XChange Maryland supports Senate Bill 0410 - the **Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Local Law Authorization** that authorizes a county or municipality to enact and enforce local laws regulating the sale and distribution of cigarettes, other tobacco products, and electronic smoking devices. One size will not always fit all when it comes to our state laws. Maryland's cities and counties are extremely diverse. What works for the city of Baltimore may not help the Eastern Shore succeed.

Uneven regulations and industry targeting mean that low-income neighborhoods are often saturated with stores that sell tobacco products. More availability means more smoking. This is one reason why low-income children are exposed to more secondhand smoke than children who live in affluent neighborhoods.

New research points to the need for greater public awareness about the dangers of secondhand smoke from e-cigarettes. The study suggests that most Americans don't realize that e-cigarettes emit toxic chemical particles. If there's a place you wouldn't smoke—like around children—then it's also a place you shouldn't vape.

We must protect the ability of local governments to laws that keep the health and well-being of their residents at the forefront, which is why we need to prevent special interest groups from blocking them.

For these reasons and more, Climate XChange urges a FAVORABLE REPORT on SB0410.

Respectfully submitted,

Wandra Ashley-Williams
Maryland Regional Director
Climate XChange Maryland
410-914-8011

Cc: Chairman Delores G. Kelley and Members of the Finance Committee

CE Ball 2021 - SB 410 - Smoking-ECig Local Regulat

Uploaded by: Ball, Calvin

Position: FAV



HOWARD COUNTY OFFICE OF COUNTY EXECUTIVE

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2013 Voice/Relay

Calvin Ball
Howard County Executive
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FAX 410-313-3051

February 11, 2021

Senator Dolores Kelley, Chair
Finance Committee
Miller Office Building, 3 East Wing
11 Bladen Street
Annapolis, MD 21041

Re: Testimony **IN SUPPORT** of SB 410: Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Local Law Authorization

Dear Chair Kelley and Members of the Committee,

I commend Senator Kramer for sponsoring Senate Bill 410, which would give Maryland's counties the authority to enact and enforce local laws regulating the sale and distribution of cigarettes, tobacco products, and electronic smoking devices. This legislation will rectify a 2013 Court of Appeals decision that called into question local governments' ability to respond to tobacco use in their jurisdictions and improve measures of public health.

During my first year on the Howard County Council in 2006, we passed a measure that would ban smoking in restaurants and bars throughout Howard County. As County Executive, I have made improving public health a priority of my administration. In my first year, I proposed local legislation that would raise the minimum legal age to purchase tobacco products and electronic smoking devices (also known as "e-cigarettes" or "vaping" devices) from 18 to 21 in Howard County, mirroring changes in state law. By increasing the purchasing age, my Administration kept our kids healthy and decreased their chance of lifelong addiction by reducing accessibility to these products.

In 2018, more than 3.6 million U.S. youth, including 1 in 5 high school students and 1 in 20 middle school students, reported current e-cigarette use. Senate Bill 410 will provide counties with more flexibility to tackle these somber statistics.

My Administration has also aggressively utilized the County's legal options to demand accountability from e-cigarette companies that have marketed their products to our children. Last year, Howard County joined several jurisdictions around the state to sue a particular e-cigarette company for using the same tactics that Big Tobacco companies used for decades to sell their products to minors and create a new market at the expense of their health. Increasing the number of tools that counties can use to regulate cigarettes, tobacco, and electronic smoking devices provides more opportunities for them to coordinate efforts. This can prevent companies from taking advantage of regulatory differences across county lines.



HOWARD COUNTY OFFICE OF COUNTY EXECUTIVE

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As a former educator, I know that providing our young people with knowledge about the harms of tobacco and electronic smoking devices is key to preventing them from starting or becoming addicted. The Howard County Health Department operates the Howard County Tobacco Use Prevention and Cessation Program. This important public health measure provides free, evidence-based smoking cessation education and assistance, modeled after the American Lung Association's Freedom From Smoking Curriculum, to anyone who lives, works, or goes to school in Howard County. The Health Department also conducts a free Tobacco Awareness Program for Teens to teach middle and high schoolers about the harms of vaping. Free community programs require funding to continue to reach the largest spread. We were proud to fund over \$10.8 million to our Health Department to support needs such as these in Fiscal Year 2021.

As Maryland's counties and health departments continue to fight the health effects of COVID-19 in our communities, we must bear in mind that smokers are at a higher risk of severe illness if they contract COVID-19. To help mitigate the risk of smoking-related illnesses both during this pandemic and beyond, counties should be allowed more power to regulate tobacco and smoking products. Sen. Kramer's bill is well timed and will help improve the health of all of Maryland's communities if passed.

For these and many more reasons, I urge your partnership and support on Senate Bill 410.

Thank you for your consideration,

Sincerely,

Calvin Ball
Howard County Executive

SB0410 - Cigarettes Other Tobacco Products and Ele

Uploaded by: Bates, Ronald

Position: FAV



THE PRINCE GEORGE'S COUNTY GOVERNMENT

OFFICE OF THE COUNTY EXECUTIVE

BILL: SB 410 – Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Local Law Authorization

SPONSOR: Senator Kramer

HEARING DATE: February 11, 2021

COMMITTEE: Finance

CONTACT: Intergovernmental Affairs Office, 301-780-8411

POSITION: SUPPORT

The Office of the Prince George's County Executive **SUPPORTS Senate Bill 410**, which enables counties and municipalities to enact and enforce local laws regulating the sale and distribution of cigarettes, other tobacco products, and electronic smoking devices that are at least as stringent as state law.

In 2008 and 2009, Prince George's County Council passed two local ordinances to prohibit the sale or other distribution by a retailer or wholesaler of "unpackaged" cigars, defined as "any cigar or product not contained within a sealed original package of at least five (5) cigars or cigar products."¹ The stated intent of the Council action was to address cigars "intended for use, or designed for use, in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body," which the Prince George's County Health Department and Police Department identified in council testimony as a common use for individually-sold cigar products.² The ordinances were codified upon signing by the County Executive in November 2008 and April 2009.³

Shortly thereafter, the County was sued by the cigar industry (referred to in court proceedings as "Altadis"). Altadis argued that these local ordinances were not constitutional due to preemption by less restrictive state laws. A Circuit Court in Prince George's County ruled in favor of the County, which Altadis appealed to the Maryland Court of Special Appeals. In *Altadis U.S.A., Inc., et al. v. Prince George's County*, Maryland, 431 Md. 307 (2013), the Court ruled in favor of Altadis, finding that state law preempts local regulation of minimum packaging requirements for

¹ <https://caselaw.findlaw.com/md-court-of-appeals/1629061.html>

² <https://princegeorgescountymd.legistar.com/View.ashx?M=F&ID=4035940&GUID=1838DF24-F801-4E98-BEE6-CFE0CC349DE8>.

³ <https://caselaw.findlaw.com/md-court-of-appeals/1629061.html>

cigars.⁴ The court decision's language speaks more broadly to preemption for tobacco control in general. Consequently, counties halted local legislation and enforcement of existing laws due to fear of lengthy and expensive legal battles with the tobacco industry.⁵ The Altadis decision paralyzed counties' timely attempts to address emerging issues in their jurisdictions.

Preemption is a well-documented tactic used by the Big Tobacco lobby which often has greater influence at higher levels of government.⁶ The Public Health Law Center cites preemption as the biggest challenge to tobacco control policy, and the American Cancer Society, American Heart Association, American Lung Association, and American Medical Association, among others oppose preemption in tobacco law.⁷

SB 410 would abrogate the Altadis ruling and allow counties to take swift action to protect the health and welfare of their residents. Passage of SB 410 empowers local legislators, public health experts and enforcement officers to act in the best interest of the public.

For the reasons stated above, the Office of the Prince George's County Executive **SUPPORTS Senate Bill 410** and asks for a **FAVORABLE** report.

⁴ *Altadis U.S.A., Inc., et al. v. Prince George's County*, Maryland, 431 Md. 307 (2013) <https://caselaw.findlaw.com/md-court-of-appeals/1629061.html>

⁵ Case Law Outline: *Altadis U.S.A., Inc. v. Prince George's County, Maryland*, University of Maryland Legal Resource Center for Public Health Policy, <https://www.law.umaryland.edu/media/SOL/pdfs/Programs/Public-Health-Law/Altadis.FactSheet.Final.pdf>

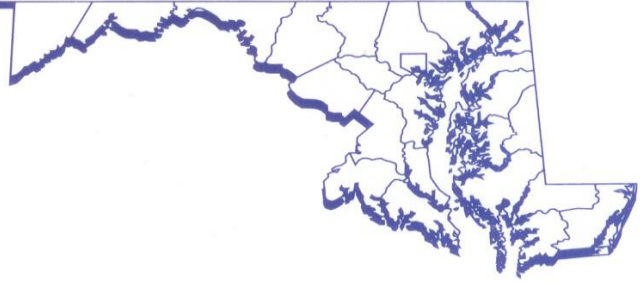
⁶ *Preemption: The Biggest Challenge to Tobacco Control*, Tobacco Control Legal Consortium, Public Health Law Center: "Because local control is so integral to tobacco control, the tobacco industry and its allies have historically used, and continue to use, preemptive strategies to thwart smoke-free laws, youth access and retailer licensing restrictions, advertising and promotion regulations, and similar policies. This fact sheet is meant to serve as a reminder of the tobacco industry's relentless pursuit of preemption to weaken, impede or defeat tobacco control efforts."

⁷ As referenced in *Preemption: The Biggest Challenge to Tobacco Control*, Tobacco Control Legal Consortium, Public Health Law Center: "For example, each of the following national organizations has taken positions opposing preemption: American Cancer Society Cancer Action Network, American Heart Association, American Lung Association, American Medical Association, Association of State and Territorial Health Officials; U.S. Department of Health and Human Services, Campaign for Tobacco-Free Kids, National Association of County and City Health Officials, National Latino Tobacco Control Network, National African American tobacco Prevention Network, National Association of Local Boards of Health, Tobacco Technical Assistance Consortium, Tobacco Control Network, Americans for Nonsmokers' Rights, and the Tobacco Control Legal Consortium. See, e.g., Americans for Nonsmokers' Rights et al., *Fundamentals of Smokefree Workplace Laws* (2009), available at http://www.no-smoke.org/pdf/CIA_Fundamentals.pdf. Also, the U.S. Department of Health and Human Services' Healthy People 2010 Framework adopted as a critical objective the elimination of state preemption mechanisms that otherwise annul stronger tobacco control laws at the local level. U.S. DEPT. HEALTH AND HUMAN SERVICES, *HEALTHY PEOPLE 2020: A FRAMEWORK FOR ENDING THE TOBACCO USE EPIDEMIC* (2010) (Objective TU-16: Eliminate state laws that preempt stronger local tobacco control laws), available at <http://www.healthypeople.gov/2020/topicsobjectives2020/objectiveslist.aspx?topicid=4>"

4a -FIN - SB 410 - MACHO - LOS.pdf

Uploaded by: Bennardi, Maryland Department of Health /Office of Governmen

Position: FAV



**2021 SESSION
POSITION PAPER**

BILL: Senate Bill 410 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Local Law Authorization

COMMITTEE: Senate Finance Committee

POSITION: Letter of Support

BILL ANALYSIS: Senate Bill (SB) 410 would abrogate the holding of the Maryland Court of Appeals in *Altadis U.S.A., Inc. v. Prince George’s County*, 431 Md. 307 to allow a county or municipality to enact and enforce local laws relating to the sale and distribution of tobacco products that are at least as stringent as state law.

POSITION RATIONALE: The Maryland Association of County Health Officers (MACHO) supports SB 410 because it would codify public health policy that has been shown to reduce tobacco use.¹ By enabling local jurisdictions to enact and enforce laws relating to the sale and distribution of tobacco products that are more stringent than state laws, Senate Bill 410 would create opportunities for local jurisdictions to build upon policies adopted by the state legislature. Maryland counties and municipalities have been unable to take such actions since 2013 when the Maryland Court of Appeals held that state law preempted local laws regarding tobacco control in the *Altadis* decision. Senate Bill 410, if enacted, would be a clear statement by the General Assembly that local authority to exceed the tobacco control measures regarding sale and distribution in state law is the express intent of the body.

The ability to legislate at the local level regarding the sale and distribution of tobacco products is important for these reasons: First, the local legislative process can act more quickly and responsively to local needs than the state legislative process. For example, when the Prince George’s County bill that gave rise to the *Altadis* case was considered by the County Council, the local health department and local police department supported the bill and cited their knowledge of local issues in their testimony and feedback on drafts of the bill, which were incorporated into the final bill by the County Council.² However, without Senate Bill 410, if a county now sees the opportunity for legislative action based on local issues but is forced to appeal to the state legislature for a state-wide policy solution, what may be appropriate for, and responsive to, one county’s experience may not be the case for every other county in the state and a consensus on a state-wide bill could not be reached. Second, the tobacco industry prefers to lobby at the state-level rather than the local level because of the difficulty it encounters in influencing local policymaking.³

To enable counties to enact tobacco control solutions that best meet their needs, and to limit the reach of the Big Tobacco lobby, the Maryland Association of County Health Officers submits this letter of support for SB 410. For more information, please contact Ruth Maiorana, MACHO Executive Director at rmaiora1@jhu.edu or 410-937-1433. *This communication reflects the position of MACHO.*

615 North Wolfe Street, Room E 2530 // Baltimore, Maryland 21205 // 410-937-1433

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 See “Action Summary”, <https://princegeorgescountymd.legistar.com/View.aspx?M=F&ID=4035940&GUID=1838DF24-F801-4E98-BEE6-CFE0CC349DE8>.

³ A former Maryland lobbyist for the tobacco industry said it bluntly to the *Journal of the American Medical Association*: “We could never win at the local level.” Skolnick, A. (1995). *Cancer Converts Tobacco Lobbyist: Victor L. Crawford Goes On the Record*. *JAMA*, 274(3), 199-202.

4b - FIN - SB 410 - Cancer Council - LOS.pdf

Uploaded by: Bennardi, Maryland Department of Health /Office of Governmen

Position: FAV



February 11, 2021

The Honorable Delores G. Kelley
Chair, Finance Committees
Miller Senate Office Building, 3 East Wing
11 Bladen St.
Annapolis, MD 21401

RE: Senate Bill 410 - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Local Law Authorization - Letter of Support

Dear Chair Kelley and Committee Members:

The Maryland State Council on Cancer Control supports Senate Bill (SB) 410 which would restore authority to Maryland counties and municipalities to enact and enforce laws regulating the sale of tobacco products. This authority was stripped from local jurisdictions in a 2013 court decision, *Altadis U.S.A. v. Prince George's County*, 431 Md. 307 (2013), in which the court held that state law preempts local jurisdictions from enacting laws relating to the sale and distribution of tobacco products.

Local control is integral to reducing tobacco use among youth and adults in Maryland. Local governments typically develop the strongest and most innovative laws tailored to their populations. These local provisions often result in comprehensive state laws. For example, well before the General Assembly passed the comprehensive Clean Indoor Air Act, counties across the State had passed local laws protecting workers and the public from secondhand smoke exposure. Gutting these local public health powers through preemption threatens public health and particularly has deterred local innovation in tobacco control that could have curbed the vape epidemic that we now see among our youth.

The implied preemption comes from the *Altadis* opinion in which the Maryland Court of Appeals found that state legislation passed in 2011 to create a licensing scheme for other tobacco products (OTP; meaning non-cigarette products) preempted a cigar minimum pack size ordinance passed by Prince George's County in 2009. The Court ultimately held the state has occupied the field of regulating the packaging and sale of tobacco products. As a result, local jurisdictions have been unable to enforce existing laws (i.e., restrictions on the sale of single cigarettes) and have been unable to pass new legislation regulating tobacco product sales (i.e., banning the sale of menthol cigarettes or flavored cigarillos). The laboratories of innovation have been stymied by the *Altadis* decision and public health has suffered. Opportunities to reduce cancer prevalence through decreasing tobacco use have been removed.

We urge a favorable report on Senate Bill 410 so that local jurisdictions in Maryland can use their plenary public health powers to address tobacco use in the community, contributing to reductions in cancer prevalence.

Sincerely,

Kevin Cullen, MD
Chair, Maryland State Council on Cancer Control

sb410 TOBACCO BILL.pdf

Uploaded by: Blackburne, Faith

Position: FAV



**The National Association for the Advancement of Colored People (NAACP)
Montgomery County Branch
SB 410-The Maryland Local Tobacco Control Bill
TESTIMONY
Thursday, February 11, 2021**

Good afternoon Senator Kelley and to the members of the Senate Finance Committee. Thank you for holding this important hearing on SB 410 – The Maryland Local Tobacco Control bill sponsored by Sen. Benjamin Kramer.

On behalf of the Montgomery County Maryland Branch of the National Association for the Advancement of Colored People (NAACP). **We submit this testimony in support of SB 410.**

For 111 years the NAACP has been in the forefront of securing civil rights and racial equality for all. Here in Montgomery County Maryland, the NAACP Montgomery County branch has forged relationships with community and county leaders, to protect and promote the civil rights of every resident of the county, particularly African Americans and communities of color.

Throughout the years, the tobacco industry has targeted and profited from the commercial use of tobacco products in communities across the country, especially in largely African American and communities of color. Researchers have found that stores in predominantly Black neighborhoods were up to 10 times more likely to display tobacco ads inside and outside than retailers in areas with fewer Black residents. The results of the continued sale and use of these products, has been a myriad of health issues that disproportionately affect our communities.

Here in Montgomery County, in 2019 the County Council passed a bill banning smoking in outdoor areas where food is served. The ban applies to patios, decks and porches. Smoking inside restaurants and bars has been banned since 2003. Since then, the county has restricted smoking in parks and on bus stops, and prohibited e-cigarettes wherever smoking is forbidden.

It is estimated that about 34 million adults smoked cigarettes, and nearly 90 percent of smokers tried their first cigarette or first use of tobacco product by age 18. As of 2016, 9.6% of all Montgomery County high school students were using some form of tobacco product. As of 2016, 10% of Montgomery County minority high school students were using some form of tobacco product. Since the recent ban on smoking in public places, there has been surge in the flavored e-cigarettes sales and use, again targeted at our young people. The E-Cigs or Vape products may even be more addictive and harmful.

The NAACP Montgomery County Branch supports SB 410 as it will return to the county or locality's authority to regulate tobacco and related products. Local governments' ability to regulate tobacco is needed as the tobacco industry has a history of targeting predominately Black and Brown communities especially here in Montgomery County.

Thank you

ALA_MD Preemption Testimony - SB 410.pdf

Uploaded by: Casper, Aleks

Position: FAV



American Lung Association Testimony Senate Bill 410
Finance Committee
February 11, 2021
Support

Chairwoman Kelley and Members of the Committee:

Thank you for the opportunity to provide comments on Senate Bill 410, Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Local Law Authorization sponsored by the Senator Kramer. The American Lung Association strongly supports this bill as an integral way to address tobacco usage especially among youth.

The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease, through research, education and advocacy. The work of the American Lung Association is focused on four strategic imperatives: to defeat lung cancer; to improve the air we breathe; to reduce the burden of lung disease on individuals and their families; and to eliminate tobacco use and tobacco-related diseases.

In data from the 2020 National Tobacco Youth Survey, e-cigarette use among high school and middle school students continue to show epidemic levels. The data shows that 23.6% of high school users have used e-cigarettes in the last month and 6.7% of middle school students. This equals more than 4.47 million middle and high school students who now use e-cigarettes. In Maryland 27.4% of high school students use a tobacco product. Additionally, an alarming 16.2% of students reported using any tobacco product and 8.2% of students report using multiple tobacco products. The tobacco industry has continued to target youth users with marketing of flavored tobacco products which makes them appealing to youth, with many of them not realizing that these products contain nicotine. As a result, we are setting our kids up for a lifetime of addiction and losing the opportunity for the first tobacco-free generation.

In Maryland, local governments have been stripped of their power to fully protect residents from the devastating effects of tobacco use as a result of a contentious 2013 court ruling, *Altadis v. Prince George's County* which was brought by the tobacco industry and prevented Prince George's County and other jurisdictions from passing new laws regulating tobacco products. Prior to this 2013 court ruling local governments in Maryland had the power under the Maryland Constitution and Code to enact local laws related to smoking, tobacco use, and sale of tobacco products.

Senate Bill 410 **restores** the authority that local governments in Maryland **once had** by allowing local governments to enact and enforce local tobacco control laws. Tobacco control policy in Maryland does not have to exist only at the state or even with the local government. Each level of government brings its own strengths with local governments being uniquely positioned to meet the needs of the people who live in their communities. They see firsthand how effective tobacco control policy can evolve over time, and can respond more quickly to local needs, tailor ordinances to meet those needs and develop effective enforcement measures.

The American Lung Association thanks the Maryland General Assembly for their continued commitment to the health and wellbeing of the residents of Maryland and the desire to protect Maryland youth from a lifelong tobacco and nicotine addiction. The American Lung Association strongly supports Senate Bill 410 which will **restore local authority** over tobacco control and enforcement and encourages swift action to move the bill out of committee and passage by the General Assembly.

Sincerely,

A handwritten signature in black ink that reads "Aleks Casper". The signature is written in a cursive, slightly slanted style.

Aleks Casper
Director of Advocacy, Maryland
202-719-2810
aleks.casper@lung.org

ACS CAN_SB 410_FAV.pdf

Uploaded by: Collins, Jocelyn

Position: FAV



American Cancer Society
Cancer Action Network
555 11th St., Suite 300
Washington, DC 20004
202.661.5700
www.fightcancer.org

February 11, 2021

TO: The Honorable Delores G. Kelley, Chair
The Honorable Brian J. Feldman, Vice Chair
Members of the Senate Finance Committee
3 East
Miller Senate Office Building
Annapolis, MD 21401

FROM: Jocelyn Collins, Maryland and Washington, D.C. Govt. Relations Director
American Cancer Society Cancer Action Network
555 11th St. NW, Suite 300
Washington, DC 20004
jocelyn.collins@cancer.org
(301) 254-0072 (cell)

SUBJECT: SB 410 Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Law Authorization

POSITION: SUPPORT

Dear Chair Kelley and Members of the Finance Committee:

On behalf of the American Cancer Society Cancer Action Network (ACS CAN) and those we serve, I am writing to express **SUPPORT** of SB 410. ACS CAN advocates for public policies that will help prevent cancer at all levels of government. Local control over matters designed to protect the public's health has numerous benefits that are lost when local power is preempted.

Currently, Maryland courts has adopted, albeit inconsistently, a novel theory of State preemption over local actions – finding that counties may be preempted even without any State law explicitly stating so. This principle has been used for years to invalidate multiple local tobacco regulations, and more recently on local pesticide restrictions and land use decisions for energy facilities. *This legislation would clarify, that Maryland localities are able to enact local laws regulating the sale and distribution of cigarettes, other tobacco products, and electronic smoking devices.*

Local authority provides for greater accountability because local lawmakers interact with their constituents on a daily basis. Local policymakers can often quickly identify problems in their

community and more easily craft proactive solutions to address the unique needs of their community to make healthier living easier for those who reside, work and play in their community.

Local authority fosters breakthroughs and customized solutions. Local governments are sometimes called the “laboratories of democracy.” This local authority creates an environment where community leaders can pioneer better policies, raising the bar for everyone. This ability to be innovative is especially important when we are still learning what works. Preemptive laws that discourage such breakthroughs in protecting the community’s health, can be especially dangerous in years to come.

The development of public policy at the local level creates community debate, education, and engagement in a way that policymaking at the state or federal level generally does not. This engagement creates a broader base of public understanding and usually leads to more sustainable policies.

Again, ACS CAN works at the local, state and federal levels, so it is important for each of these levels of government to work together to implement policies to protect the public’s health. It’s through working together that we save lives. By removing local policymakers and local policies from the process, it effects the ability to implement protective policies. We ask the committee for a “favorable” report on SB 410.

Sincerely,

Jocelyn Collins
Maryland and Washington, D.C. Government Relations Director
American Cancer Society Cancer Action Network

Testimony - Maryland Local Tobacco Control Bill -

Uploaded by: Dashiell, Brante

Position: FAV

Testimony of the Wicomico County NAACP Branch 7028
Dr. Brante Dashiell, President
Maryland Senate Finance Committee
S.B. 410: 2021 Maryland Local Tobacco Control Bill
Feb. 11, 2021

As President of Wicomico County NAACP Branch 7028, I join LOCAL Maryland and the American Heart Association in strongly supporting S.B. 410 and appreciate the General Assembly's emphasis on promoting health equity, eliminating health disparities and ensuring that Maryland's localities, such as ours, can pass their own laws regulating tobacco products to fit the specific needs of their communities, ultimately improving health in communities of color and the entire state.

Local governments in Maryland have been stripped of their power to fully protect residents from the devastating effects of tobacco use due to a contentious 2013 court ruling (*Altadis v. Prince George's County*) — brought on by the tobacco industry — preventing them from passing new laws regulating tobacco products.

This prohibits local governments, such as ours in Wicomico County, from responding to what causes people to use tobacco in their communities — stifling progress in reducing use, especially among young people. Without the authority to enact and enforce tobacco control laws, local governments cannot respond to what causes people to use tobacco in their communities. What the state is doing is called preemption and it is ultimately hurting the health of Maryland's residents.

The Wicomico County NAACP Branch 7028 views preemption as a tool, that being promoted by special interest groups, disempowers and disproportionately hurts people and communities of color and immigrants.

While all individuals should have equal opportunity to live a healthy life, the tobacco industry employs marketing strategies that have led to disparities in tobacco use. Communities of color have been unfairly targeted in marketing tobacco-related products and it hurting the chances of our young people to live healthy and productive lives.

It goes without saying that using tobacco-related products is an immense health risk to anyone that uses them. Each year, 7,500 Marylanders die from tobacco related causes. That's one person — a mom or dad, son or daughter, friend or colleague — every hour of every day.

The Maryland Local Tobacco Control Bill would restore the ability of localities to enact and enforce local laws regulating the sale and distribution of cigarettes and other tobacco products to fit the needs of their communities.

For all these reasons, I recommend the General Assembly swiftly pass, S.B. 410, so that Maryland's localities can pass their own laws regulating tobacco products to fit the specific needs of their communities and create healthier environments for the citizens of our state.

AHA Supports SB 410 Local Tobacco .pdf

Uploaded by: Hale, Laura

Position: FAV



February 9th, 2021

Testimony of Laura Hale

American Heart Association

Support of SB 410 Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Local Law Authorization

Dear Chair Kelley, Vice Chair Feldman, and Honorable Members of the Finance Committee,

Thank you for the opportunity to submit testimony. My name is Laura Hale and I am the Director of Government Relations for the American Heart Association. The American Heart Association offers our strong support of SB 410.

Localities in Maryland have long been a partner with the state in the fight against big tobacco. Without the local authority to enact and enforce tobacco control laws, Maryland's local governments will not be able to respond to the unique drivers of tobacco use in their jurisdictions. It is estimated that each day 5,000 children under the age of 18 try smoking for the first time, and more than 3,000 children become new regular smokers. Unless smoking rates decline, 5.6 million kids alive today will ultimately die from smoking. To protect Maryland's youth from the dangers of tobacco use, local governments must be able to rectify a recent Court of Appeals decision that calls into question their ability to regulate the sale and distribution of tobacco products at the local level.

In 2013, the Maryland Court of Appeals held that state law preempts local regulation of minimum packaging requirements for cigars, the effect of which has limited our authority to pass and enforce laws regulating the sale and distribution of tobacco products. *Altadis U.S.A., Inc., et al. v. Prince George's County, Maryland*, 431 Md. 307, (2013). The holding turns on the existence of certain provisions in the State Business Regulation Article relating to cigar packaging even though those state provisions were enacted after the local laws in question and even after oral argument in this matter. Unfortunately, this decision contains broad language concerning state preemption of the local authority to enact and enforce laws regulating the sale and distribution of tobacco products. This language has resulted in local jurisdictions being threatened with lawsuits if they continue to enforce and enact and enforce tobacco laws that appropriately address the specific challenges of their community.

The legislation before you today seeks to clarify, for the courts that counties and cities in Maryland can go farther than the state to pass tobacco control laws. Maryland cities and counties need to be able to fight back against big tobacco. This bill allows them to do this. The American Heart Association urges a swift and favorable report on SB 410.

SB0410-FIN_MACo_SUP.pdf

Uploaded by: Jabin, Drew

Position: FAV



Senate Bill 410

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

MACo Position: **SUPPORT**

To: Finance Committee

Date: February 11, 2021

From: Drew Jabin and Michael Sanderson

The Maryland Association of Counties (MACo) **SUPPORTS** SB 410 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, and most pervasive, interpretation of the ruling in *Altadis v. Prince George's County* is that local governments may not regulate the packaging, sale, and distribution of tobacco products, including cigars, as State law has occupied that field.

Without ever passing a law that actually states that local governments are preempted in this field, the State has effectively created this as its policy. This "implied preemption" has denied communities a tool to respond to local problems, and to go beyond the floor set by the statewide laws enacted by the General Assembly.

SB 410 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 SB 410.

SB0410_FAV_MedChi, MDAAP_Cigarettes, Other Tobacco

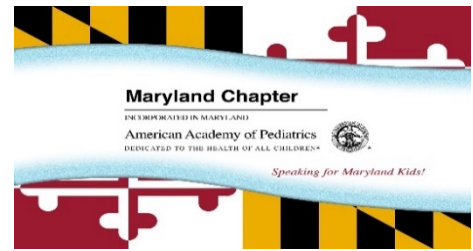
Uploaded by: Kasemeyer, Pam

Position: FAV



The Maryland State Medical Society

1211 Cathedral Street
Baltimore, MD 21201-5516
410.539.0872
Fax: 410.547.0915
1.800.492.1056
www.medchi.org



TO: The Honorable Delores G. Kelley, Chair
Members, Senate Finance Committee
The Honorable Benjamin F. Kramer

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman

DATE: February 11, 2021

RE: **SUPPORT** – Senate Bill 410 – *Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Local Law Authorization*

On behalf of the Maryland State Medical Society and the Maryland Chapter of the American Academy of Pediatrics, we submit this letter of **support** Senate Bill 410.

Senate Bill 410 authorizes a county or municipality to enact and enforce local laws regulating the sale and distribution of cigarettes, other tobacco products, and electronic smoking devices. Local control over matters designed to protect the public’s health have numerous benefits that are often lost when local power is preempted. Local authority provides for greater accountability and a more responsive and proactive approach to addressing the needs of a community. The development of public policy at the local level also creates community engagement and a broader base of public understanding and investment in the intended objectives.

Tobacco use has significant public health implications. Enabling local authorities to enact and enforce legislation that addresses the unique circumstances of their communities, will result in the development of more responsive and effective policies. It will enable local authorities to address the negative public health impacts of tobacco use and improve the health of its residents. A favorable report is requested.

For more information call:

Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
410-244-7000

CTFK MD Written testimony SB 410 2-11-21.pdf

Uploaded by: Kissell, Meghan

Position: FAV



Written Testimony in support of SB 410 to the Senate Finance Committee

February 11, 2021

Submitted by Meghan Kissell, Regional Advocacy Director, Campaign for Tobacco-Free Kids

The Campaign for Tobacco-Free Kids submits these written comments in support of SB 410: Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Local Law Authorization. The Campaign for Tobacco-Free Kids is the nation's largest non-profit, non-governmental advocacy organization solely devoted to reducing tobacco use and its deadly toll by advocating for public policies that prevent kids from using tobacco, help smokers quit and protect everyone from secondhand smoke.

Even though Maryland has made great strides in reducing tobacco use, tobacco use remains the number one preventable cause of premature death and disease in Maryland and the nation, killing over 7,500 residents every year.¹ The scientific evidence shows that the most effective way to reduce tobacco use is through a comprehensive approach. This includes promoting and funding cessation programs, removing flavored tobacco products that lure kids to a deadly addiction, and by giving local jurisdictions the tools necessary to enact and enforce tobacco control policies that make sense for their community.

The strongest, most innovative and effective tobacco control policies have most often originated at the local level, yet Local governments in Maryland have been stripped of their power to fully protect residents from the devastating effects of tobacco use due to a contentious 2013 court ruling (*Altadis v. Prince George's County*) — brought on by the tobacco industry — preventing them from passing new laws regulating tobacco products. This prohibits local governments from responding to what causes people to use tobacco in their communities — stifling progress in reducing use, especially among young people and ultimately hurting the health of Maryland's residents.

While the state has made great strides in reducing youth smoking, state ties the hands of local government. SB 410 will authorize localities to enact and enforce local laws regulating the sale and distribution of cigarettes, other tobacco products and electronic smoking devices to fit the needs of their communities.

When the state prevents communities from passing their own laws, they silence the voice of the people, and hurt the communities' health, safety, and economic wellbeing. Our state tobacco control laws should be seen as a floor, not a ceiling, for how to respond to the preventable health crisis in Baltimore. For these reasons, we respectfully request a favorable report on SB 410.

¹ National: U.S. Department of Health and Human Services (HHS), "The Health Consequences of Smoking – 50 Years of Progress A Report of the Surgeon General 2014. State: Centers for Disease Control and Prevention (CDC), *Best Practices for Comprehensive Tobacco Control Programs—2014*, http://www.cdc.gov/tobacco/stateandcommunity/best_practices/.

SB 410 Testimony.pdf

Uploaded by: Lloyd, Harold

Position: FAV



Anne Arundel County Branch Youth and College Division # 7719

"Freedom Fighters of the New Century."

Executive Committee

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Advisors

Steve Waddy

Monique Ward

To: Chair Kelley, Vice-Chair Feldman and Members of the Finance Committee.

My name is Harold Lloyd, III. I am the President of the Anne Arundel County NAACP Youth and College Division. We respectfully submit our support for SB 410 because we that counties and municipalities should have every right to enact and enforce laws that will be beneficial to their constituents. The counties and municipalities in the state of Maryland are not monolithic and local leaders should be able to respond to their region's needs in the best way possible, even if it is different from the rest of the state's agenda. Our state government should not hinder a county or municipality from doing right by their constituents, prohibiting them from making the correct decision is unethical.

We have a moral obligation to fight for people who are marginalized no matter the circumstances at the NAACP, and we believe that people of color are the most underrepresented, underserved, and marginalized groups in our state. This bill will prevent children in specific counties from having easy access to deleterious substances such as tobacco and electronic products. There has to be some type of regulation created to protect areas that are affected the most by this particular issue and SB 410 will give county and municipal leaders the power to protect their community.

We are asking each of you to please consider a positive report for SB 410, our future relies on it.

President - Harold Lloyd:

A handwritten signature in black ink that reads 'Harold Lloyd'.

LOCAL Maryland testimony for SB410.pdf

Uploaded by: McIntosh, Shawn

Position: FAV



TO: Chair Delores Kelley and Members of the Finance Committee
FROM: Shawn McIntosh, Executive Director, Sugar Free Kids Maryland
Representing LOCAL Maryland
DATE: February 11, 2021
RE: Senate Bill 410 – **2021 Maryland Local Tobacco Control Bill**
POSITION: **Support**

I am writing as the lead representative of LOCAL (Let Our Communities Act Locally) Maryland, a statewide coalition of community, labor, faith and business organizations, committed to protecting the ability of local elected officials to pass laws that support healthy families, a clean environment and good jobs for the people of our state. Our membership includes organizations from multiple sectors, ranging from the American Heart Association and NAACP to the Public Justice Center. While not every organization has a position on tobacco regulations, our coalition’s goal is to protect the ability of local governments to introduce legislation that is intended to improve the health and quality of life of their residents. LOCAL Maryland believes that state law should set the floor for standards and that cities and counties should have the ability to set policy that exceeds those standards if it’s in the best interests of their residents.

LOCAL Maryland recognizes that one size will not always fit all when it comes to our state laws. Maryland’s cities and counties are extremely diverse. All localities should have the ability to pass laws that support healthy families, a clean environment and good jobs for people in the community. Tobacco laws are no exception.

In 2008, several local jurisdictions attempted policy change strategies designed to curb tobacco usage rates, including a series of regulations concerning tobacco packaging, which then was challenged in the Maryland Court of Appeals.¹ Citing existing Maryland statutes, the Court held that the state had intended to fully occupy the field of regulating the sale, distribution, and packaging of tobacco and tobacco-related products, resulting in implied preemption.²

The Court of Appeals decision invalidated policies in Baltimore City and Prince George’s County, which has had long lasting, negative impacts on their ability to fully enforce tobacco laws in a manner that would be most beneficial to public health.

Senate Bill 410 would enable local jurisdictions to effectively enforce existing tobacco laws and introduce more effective policies for tobacco regulation to reduce smoking. Maryland has passed a number of successful policies to regulate the sale and distribution of tobacco products. Those laws should be setting the floor for cities and counties. Localities should have the ability to exceed the Maryland standards.

¹ *Altadis U.S.A., Inc., et al. v. Prince George's County, Maryland*, 431 Md. 307 (2013)

² *Ibid.*

The tobacco and retail industries may argue that having a patchwork of regulations is too difficult to manage. However, this is a false narrative because they are already managing a patchwork of regulations nationally, regionally and within the state. They have the systems in place to manage different regulations based on locality. For the best interests of all Maryland citizens health, LOCAL Maryland urges you to pass Senate Bill 410.

LOS SB 410.pdf

Uploaded by: Parker, Ashiah

Position: FAV



Testimony of the No Boundaries Coalition
Ashiah Parker, Executive Director
Maryland Senate Finance Committee
S.B. 410: 2021 Maryland Local Tobacco Control Bill

Feb. 11, 2021

As Executive Director of No Boundaries Coalition, I join other coalition partners like the NAACP, LOCAL Maryland and the American Heart Association in strongly supporting S.B. 410 and appreciate the General Assembly's emphasis on promoting health equity, eliminating health disparities and ensuring that Maryland's localities can pass their own laws regulating tobacco products to fit the specific needs of their communities, ultimately improving health in communities of color and the entire state. Local governments in Maryland have been stripped of their power to fully protect residents from the devastating effects of tobacco use due to a contentious 2013 court ruling (*Altadis v. Prince George's County*) — brought on by the tobacco industry — preventing them from passing new laws regulating tobacco products.

This prohibits local governments from responding to what causes people to use tobacco in their communities — stifling progress in reducing use, especially among young people. Without the authority to enact and enforce tobacco control laws, local governments cannot respond to what causes people to use tobacco in their communities. What the state is doing is called preemption and it is ultimately hurting the health of Maryland's residents.

We view preemption as a tool, that being promoted by special interest groups, disempowers and disproportionately hurts people and communities of color and immigrants.

While all individuals should have equal opportunity to live a healthy life, the tobacco industry employs marketing strategies that have led to disparities in tobacco use, including higher use of tobacco products in populations of lower SES, Blacks, AIAN, youth and LGBT individuals. Researchers in Washington, D.C. found that stores in predominantly Black neighborhoods were up to 10 times more likely to display tobacco ads inside and outside than retailers in areas with fewer Black residents.

Communities of color have been unfairly targeted in marketing tobacco-related products and it is hurting the chances of our young people to live healthy and productive lives. It goes without saying that using tobacco-related products is an immense health risk to anyone that uses them. Each year, 7,500 Marylanders die from tobacco related causes. That's one person – a mom or dad, son or daughter, friend or colleague – every hour of every day.

23% of Maryland high school students use electronic smoking devices, more commonly known as vapes. Given the COVID-19 pandemic and its devastating impact on the heart, lungs and other vital organs, curbing tobacco use is more important than ever.

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As a member of the NAACP Maryland State Conference, I support the goals of LOCAL (Let Our Communities Act Locally) Maryland, a statewide coalition that pays special attention to legislation being considered at the state level that would take away the ability of local governments to protect their residents' health and quality of life.

The Maryland Local Tobacco Control Bill would restore the ability of localities to enact and enforce local laws regulating the sale and distribution of cigarettes and other tobacco products to fit the needs of their communities.

For all these reasons, I recommend the General Assembly swiftly pass, S.B. 410, so that Maryland's localities can pass their own laws regulating tobacco products to fit the specific needs of their communities and create healthier environments for the citizens of our state.

Sincerely,

Ashiah S Parker

Ashiah S. Parker, MPA
Executive Director
No Boundaries Coalition, Inc
1808 Pennsylvania Ave.
Baltimore, Maryland. 21217
Phone: 410.800.2452
Email: ashiah.parker@noboundariescoalition.com

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Testimony of the Faith and Community Against Flavo

Uploaded by: Parker, Ashiah S

Position: FAV

Testimony of the Faith and Community Against Flavored Tobacco Coalition
Maryland Senate Finance Committee
S.B. 410: 2021 Maryland Local Tobacco Control Bill

Feb. 11, 2021

The Faith and Community Against Flavored Tobacco Coalition, join other coalition partners like the NAACP, LOCAL Maryland and the American Heart Association in strongly supporting S.B. 410 and appreciate the General Assembly's emphasis on promoting health equity, eliminating health disparities and ensuring that Maryland's localities can pass their own laws regulating tobacco products to fit the specific needs of their communities, ultimately improving health in communities of color and the entire state. Local governments in Maryland have been stripped of their power to fully protect residents from the devastating effects of tobacco use due to a contentious 2013 court ruling (*Altadis v. Prince George's County*) — brought on by the tobacco industry — preventing them from passing new laws regulating tobacco products.

This prohibits local governments from responding to what causes people to use tobacco in their communities — stifling progress in reducing use, especially among young people. Without the authority to enact and enforce tobacco control laws, local governments cannot respond to what causes people to use tobacco in their communities. What the state is doing is called preemption and it is ultimately hurting the health of Maryland's residents.

We view preemption as a tool, that being promoted by special interest groups, disempowers and disproportionately hurts people and communities of color and immigrants.

While all individuals should have equal opportunity to live a healthy life, the tobacco industry employs marketing strategies that have led to disparities in tobacco use, including higher use of tobacco products in populations of lower SES, Blacks, AIAN, youth and LGBT individuals. Researchers in Washington, D.C. found that stores in predominantly Black neighborhoods were up to 10 times more likely to display tobacco ads inside and outside than retailers in areas with fewer Black residents.

Communities of color have been unfairly targeted in marketing tobacco-related products and it is hurting the chances of our young people to live healthy and productive lives. It goes without saying that using tobacco-related products is an immense health risk to anyone that uses them. Each year, 7,500 Marylanders die from tobacco related causes. That's one person – a mom or dad, son or daughter, friend or colleague – every hour of every day.

23% of Maryland high school students use electronic smoking devices, more commonly known as vapes. Given the COVID-19 pandemic and its devastating impact on the heart, lungs and other vital organs, curbing tobacco use is more important than ever.

The Maryland Local Tobacco Control Bill would restore the ability of localities to enact and enforce local laws regulating the sale and distribution of cigarettes and other tobacco products to fit the needs of their communities.

For all these reasons, I recommend the General Assembly swiftly pass, S.B. 410, so that Maryland's localities can pass their own laws regulating tobacco products to fit the specific needs of their communities and create healthier environments for the citizens of our state.

Sincerely,

Ashiah S Parker

Ashiah S. Parker

Partner, Tidemore Group LLC

Ashiahsparker@tidemore.com

1800 N. Charles Street, Suite 902

Baltimore, Maryland 21201

443-570-1480

NAACP Testimony Charles County tobacco.pdf

Uploaded by: Sweat, Dyotha

Position: FAV



**NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP)
CHARLES COUNTY BRANCH**
PO BOX 2401 WALDORF, MD 20602 · P (240) 776-2828 ·
WEB ADDRESS WWW.CHARLESCOUNTYNAACP.ORG

Testimony of Dyotha R Sweat
President, Charles County Branch of the NAACP
To the Senate Finance Committee
on
SB 410-The Maryland Local Tobacco Control Bill

February 11, -2021

Good morning Chair Kelley, Vice-Chair Feldman, and Members of the Finance Committee.

Thank you so much for calling this important hearing as well as for your leadership on this issue. I am submitting this **testimony in support of the Maryland local tobacco control bill, SB 410**, on behalf of the Charles County Branch of the National Association for the Advancement of Colored People, the NAACP. Founded in 1909, the NAACP is the oldest and largest well-known civil rights organization in the United States.

In the wake of the current global pandemic, the need to eliminate as many preexisting conditions as possible becomes more pressing. Smoking leads to health conditions such as coronary heart disease, stroke, and lung cancer. In turn, these conditions all increase the risk of severe illness from COVID-19.

For communities of color, the need to address underlying health concerns that exacerbate COVID-19 is even more urgent. It is a sad fact that in 2017, the Office of Minority Health found that African Americans were 20 percent more likely to die from heart disease than

non-Hispanic whites. ¹More concerning, African American women are 60 percent more likely to have high blood pressure than non-Hispanic white women.²

Death Rate:

Age-adjusted heart disease death rates per 100,000 (2017)			
	Non-Hispanic Black	Non-Hispanic White	Non-Hispanic Black / Non-Hispanic White Ratio
Men	264.8	214.0	1.2
Women	166.3	131.9	1.3
Total	208.0	168.9	1.2

Source: CDC 2019. National Vital Statistics Report, Vol. 68, No. 9. Table 10.
https://www.cdc.gov/nchs/data/nvsr/nvsr68/nvsr68_09-508.pdf [PDF | 1.76MB]

For a largely Black state like Maryland, combating both COVID-19 and heart disease caused, in part, by smoking is a heavy lift. Even before the COVID-19 pandemic, the Maryland Department of Health found that 7,500 Marylanders die a year from tobacco-related causes.³ Yet, after the 2013 ruling in *Altadis v Prince George's County*, local governments in Maryland were stripped of the ability to pass new laws regulating tobacco products.⁴ Furthermore, the localities' ability to protect their residents from the effects of tobacco use was severely limited.

According to the CDC, being a current or former cigarette smoker increases your risk of severe illness from COVID-19.⁵ If the County is to control the spread of COVID-19 and similar diseases, working to reduce the prevalence of preexisting conditions linked to tobacco use such as coronary heart disease, stroke, and lung cancer is vital. The inability to

¹ <https://www.minorityhealth.hhs.gov/omh/browse.aspx?lvl=4&lvlID=19>

² *ibid*

³ https://phpa.health.maryland.gov/ohpetup/pages/tob_home.aspx#:~:text=7%2C500%20adults%20in%20Maryland%20die,toxins%20found%20in%20secondhand%20smoke.

⁴ *Altadis v Prince George's County*, 415 Md. 607, 4 A.3d 512 (2010), available at <H:\COAcases\85a10.wpd> (mdcourts.gov)

⁵ <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html#smoking>

pass any new laws to regulate tobacco products will make it more challenging to make those gains.

For these reasons, both the Maryland State Conference of the NAACP and the Charles County Branch of the NAACP **support SB 410**.

If enacted, Senate Bill 410 will right the wrongs of the *Altadis v Prince George's County* ruling and return a county or locality's authority to regulate tobacco and related products. Local governments' ability to regulate tobacco is needed as the tobacco industry has a history of targeting predominately Black and Brown communities like Charles County. A recent study found that stores in predominantly Black neighborhoods were up to 10 times more likely to display tobacco ads inside and outside than retailers in areas with fewer Black residents.⁶ The Maryland State Conference of the NAACP views the preemption of local authority to control tobacco laws disempowers and disproportionately hurts racial and ethnic minorities and immigrants.

The passage of SB 410 will not end the health problems of Maryland residents, but it will give its government the tools it requires to assist in the battle. We urge your colleagues on both sides of the aisle, as well as Governor Hogan, to support this bill's passage not just for Charles County, but the state of Maryland as a whole.

Thank you again, Chairman Kelley, for holding this important hearing and for soliciting the NAACP's thoughts, and for your continued leadership in this area.

⁶ Kirchner TR, Villanti AC, Cantrell J, *et al*

Tobacco retail outlet advertising practices and proximity to schools, parks, and public housing affect Syntar underage sales violations in Washington, DC
Tobacco Control 2015;**24**:e52-e58.

Testimony - Maryland Local Tobacco Control Bill -

Uploaded by: Sweat, Dyotha

Position: FAV



Testimony of the NAACP Maryland State Conference Youth & College Division
Dyotha Sweat, Advisor
Maryland Senate Finance Committee
S.B. 410: 2021 Maryland Local Tobacco Control Bill
Feb. 11, 2021

As advisor of the NAACP Maryland State Conference Youth & College Division, I join LOCAL Maryland and the American Heart Association in strongly supporting S.B. 410 and appreciate the General Assembly's emphasis on promoting health equity, eliminating health disparities and ensuring that Maryland's localities, such as ours, can pass their own laws regulating tobacco products to fit the specific needs of their communities, ultimately improving health in communities of color and the entire state.

Local governments in Maryland have been stripped of their power to fully protect residents from the devastating effects of tobacco use due to a contentious 2013 court ruling (*Altadis v. Prince George's County*) — brought on by the tobacco industry — preventing them from passing new laws regulating tobacco products.

This prohibits local governments from responding to what causes people to use tobacco in their communities — stifling progress in reducing use, especially among young people. Without the authority to enact and enforce tobacco control laws, local governments cannot respond to what causes people to use tobacco in their communities. What the state is doing is called preemption and it is ultimately hurting the health of Maryland's residents, especially its younger population.

The NAACP Maryland State Conference views preemption as a tool, that being promoted by special interest groups, disempowers and disproportionately hurts people and communities of color and immigrants.

While all individuals should have equal opportunity to live a healthy life, the tobacco industry employs marketing strategies that have led to disparities in tobacco use. Communities of color have been unfairly targeted in marketing tobacco-related products and it is hurting the chances of our young people to live healthy and productive lives.

It goes without saying that using tobacco-related products is an immense health risk to anyone that uses them, specifically our young people. Each year, 7,500 Marylanders die from tobacco related causes. That's one person — a mom or dad, son or daughter, friend or colleague — every hour of every day.

The Maryland Local Tobacco Control Bill would restore the ability of localities to enact and enforce local laws regulating the sale and distribution of cigarettes and other tobacco products to fit the needs of their communities.

For all these reasons, I recommend the General Assembly swiftly pass, S.B. 410, so that Maryland's localities can pass their own laws regulating tobacco products to fit the specific needs of their communities and create healthier environments for the citizens of our state.

Dr. Tolson Statement for SB 410 Preemption.pdf

Uploaded by: Tolson, Danita

Position: FAV

Testimony
Dr. Danita Tolson,
Maryland State NAACP Health Chairperson & NAACP Baltimore County Branch President
S. B. 410: 2021 Maryland Local Tobacco Control Bill
Feb. 11, 2021

As the NAACP Baltimore County Branch President and Maryland NAACP Health Chairperson, I join the coalition partners in supporting the S. B. 410: Maryland Local Tobacco Control Bill on promoting health awareness, decreasing tobacco use, reducing the effects of second hand smoking and reducing tobacco use as it relates to the effects tobacco has on the body.

The Centers for Disease Control (CDC) uses the National Adult Tobacco (NAT) Survey when estimating the adult smoking rates. It is estimated that approximately 21.3% of adults use tobacco every day to every other day. Most cigar packs are package as 5 to 10 cigars. If we calculate a teen or adult using tobacco at the lower number at 5 cigars for 7 days a week, the person would have smoked 1,825 cigars/year. If the individuals use 10 cigars for 7 days a week, the person would have smoked 3,650 cigars/year. Imagine the effects the smoke has on the internal organs, the lungs, teeth, gums, heart, throat, and circulatory system, etc. Tobacco products causes cancer in various organs, emphysema, bronchitis, and have may affect erectile dysfunction. According to the CDC more than 16 million Americans live with a disease caused by smoking. The use of tobacco products also has effects on air quality which effects our future generations. It effects the unborn babies/fetus who did not ask to come into the world who is diagnosed with a birth defect from the effects of the smoking from the mother or the second-hand smoking in the household.

To stop the usage of tobacco products early would be a huge savings for the health insurance industry. Health People 2020 uses tobacco as a leading indicator to measure health and many insurance agency has started to charge more if the individual smokes or use tobacco products because they know it is a health risk. Smoking/tobacco products is a leading cause for “preventable morbidity and mortality”

(CDC). Use of tobacco products cause greater than 480,000 deaths/year and 41,000 deaths from second-hand smoke; this estimates to 1,300 deaths every day. Stopping the use of tobacco products early can reduce the long-term effects and save lives.

The Who Health Organization (WHO) published that premature heart disease, stroke and diabetes can be prevented as a result of stopping second hand smoking. Smoking is higher with men, young adults, certain people living in certain geographical areas, less educated individuals, low income, and LGBT individuals (lesbian, gay, bisexual and transgender).

I support and recommend that the General Assembly passing the S. B. 410: 2021 Maryland Local Tobacco Control Bill to provide local Marylanders the authority to regulate their own laws on tobacco products based on the assessment of their community.

SB 410 - Premium Cigar - Oppose.pdf

Uploaded by: Bohle, Matthew

Position: UNF



Aphelion Cigar Lounge 410-721-1700
2510 Conway Road, Ste. 106, Gambrills 21054

Broadleaf Tobacco 410-315-8118
487 Ritchie Highway, #101, Severna Park 21146

Burnt Leaf 443-272-7206
487 Ritchie Highway, #101, Severna Park 21146

Cross Street Tobacco 410-752-9220
1103 Light Street, Baltimore 21230

Dan's Cigar Lounge 410-780-5959
8300-B Pulaski Highway, Rosedale 21237

Davidus Cigars. 301-865-1000
2134 Generals Highway, Annapolis 21401
1300 Bank Street, Baltimore 21231
1716 Liberty Road, Eldersburg 21784
9180 Baltimore National Pike, Ellicott City 21042 529
West South Street, Frederick 21701
25 Olney Sandy-Spring Road, Ashton 20861
10810 Reisterstown Road, Owings Mills 21117
11632 Rockville Pike, Rockville 20852
15922 Shady Grove Road, Gaithersburg 20832 8925
Fingerboard Road, Urbana 21704
23 East Main Street, Westminster 21157 25
Allegheny Avenue, Towson 21204

Easton Cigar & Smokeshop 410-770-5084
6 Glenwood Ave, Easton 21601

Etch-Art Awards 410-202-6616
931 Mount Hermon Road, Salisbury 21804

Fire & Smoke Cigar Parlor 443-970-6634
6827 Loch Raven Blvd., Towson 21286

Leonardtwn Cigar 240-309-4108
40955 Merchants Lane #14, Leonardtown 20650

Main Street Cigar Company 410-734-4494
2217 E. Churchville Road, Bel Air 21015

Mount Vernon Tobacco 410-728-5669
221 W. Read Street, Baltimore 21201

Mt. Washington Cigar Co. 410-377-4711
5909 Falls Road, Baltimore 21209

Oakleigh Beach Tobacco 410-388-8080
702 Wise Avenue, Dundalk 21222

Office Cigar Lounge at QG 410-685-7428
31 S Calvert St, Ste 300, Baltimore 21202

Quartermasters Cigars 410-898-2134
880 Northeast St, Frederick 21701

Senor Cigars 410-524-2069
11805 Coastal Highway, Ocean City 21842
3314 Coastal Highway, Ocean City 21842

Signature Cigars 301-424-8833
1331 Rockville Pike, Rockville 20852
4919 Cordell Avenue, Bethesda 20814

Spartan Cigar Lounge 443-350-9808
128 East Pulaski Highway, Elkton 21921

The Book Center 301-722-8345
15 North Centre Street, Cumberland 21502

The Humidour Cigar Shoppe 410-666-3212
2 Sherwood Road, Cockeysville 21030

TinderBox #398 301-374-9100
2754 Crain Highway, Waldorf 20601

Titan Cigar 410-721-2944
2634 Chapel Lake Drive, Gambrills 21056

Tobacco Leaf 410-799-2094
7351 Assateague Drive, Jessup 20794

W. Curtis Draper Tobacconist 301-907-7990
4916 Del Ray Avenue, Bethesda 20814

February 11, 2021

Opposition for Senate Bill 410

Madame Chair and members of the Committee,

The Premium Cigar Retailers Association of Maryland represents over 30 adult only brick and mortar premium cigar specialty stores in the State. Members of the PCRA have appeared before your committee on several matters this session and we thank you for the opportunity to testify again.

We write today in opposition to Senate Bill 410.

The Maryland General Assembly last year took the position that tobacco regulation and taxation should remain exclusively a matter within the State's purview. We support that position, as it maintains a consistent statewide regulatory approach.

Enabling jurisdictions to enact their own set of rules and regulations will lead to inconsistencies and redundancies in enforcement and will make compliance more difficult, costly, and burdensome. We oppose a patchwork approach by local jurisdictions on these matters.

Additionally, during the COVID-19 Pandemic, we have seen how difficult it is for business owners to comply with a patchwork of closures by localities. Overlapping jurisdiction creates confusion and consternation among businesses, customers, and regulators.

For these reasons we respectfully ask for an unfavorable report on SB 410.

Sincerely

Matthew Bohle, Patrick Roddy and Obie Chinemere of RWL – 410-269-5066

SB 410 and SB378.pdf

Uploaded by: McCauley, Kirk

Position: UNF



WMDA/CAR Service Station and Automotive Repair Association

February 9, 2021

Chairman: Delores G. Kelley
Members of Senate Finance Committee

RE: SB 410 – SB 378
Position: In Opposition

I believe city and county health departments have the authority now to enforce tobacco and ESD laws but will leave that to the attorneys on committee.

Allowing a county or municipality to enact tobacco and ESD regulation would create unbelievably confusion. Retailers with multiple location in different jurisdictions, Enforcement officers , customers and employees that work at more than one location would all be affected.

Let us make enforcement and compliance easier for all, by not creating disorientation to what city or county you are in.

Please give SB410 and SB378 an unfavorable Report

WMDA/CAR is a trade association that has represented service stations, convenience stores and independent repair shops since 1937. Any questions can be addressed to Kirk McCauley, 301-775-0221 or kmccauley@wmda.net

Testimony SB378 and SB410 2021 signed.pdf

Uploaded by: Parsons Jr, Fred

Position: UNF



February 9, 2021

To; Chair Senator Kelley and committee,

Regarding SB378 and SB410

We are against these bills.

Cigarettes, Tobacco, and Electronic smoking devices are already regulated by the state. If we create separate laws for each jurisdiction this creates confusion at retail and amongst the consumers. This can cause conflicts within the retail locations because a customer may be able to buy something in Anne Arundel County, but 1 block away, not be able to get the item because they are in Baltimore City.

Fred L. Parsons Jr.

A handwritten signature in black ink, appearing to read "Fred L. Parsons Jr.", written in a cursive style.

The George J. Falter Co.

RonWardMDSB410writtentestimoy021121.pdf

Uploaded by: Ward, Ronald

Position: UNF

Ronald A. Ward Jr., Esq.
Owner
The Vapers' Edge
8116-A Harford Road
Parkville, MD 21234
443-921-5190 (mobile)
443-725-5251 (work)
thevapersedge@gmail.com (e-mail)

Written Testimony

To: Maryland Senate Finance Committee
From: Ronald A. Ward Jr., Esq.
Date: February 11, 2021
Re: Maryland Senate Bill 410

I. Introduction

My name is Ronald Ward and I am a life-long resident of Maryland. I have been a vaper for over 10 years, a smoke free alternatives activist for over a decade and have owned and operated a Vape Shop in Baltimore County, MD for the past 7 years.

Senate Bill 410 (page 2, lines 6-10) allows counties or municipalities to enact additional and more stringent taxes and regulations on Electronic Smoking Devices (ESDs) in addition to the already restrictive State and Federal laws pertaining to these products.

The Food and Drug Administration (FDA), as well as, the State of Maryland, are already taking action on this matter. Rather than claim this regulatory authority, the legislature would better serve Maryland citizens by deferring to the more deliberative State and Federal agencies in this matter. County and municipal agencies are under-funded, ill equipped and do not have the requisite knowledge of the ESD industry to handle such tax and regulatory matters. With maybe a few exceptions, none of these legislators are industry professionals or public health experts. We must also consider whether the recent ESD laws are effective before we take these drastic measures that will place additional burdens on this industry in an attempt to basically tax and regulate these products off the market in Maryland.

This Bill is sponsored by Montgomery County-based Senator Kramer who has been pursuing anti-ESD legislation in Maryland for almost a decade. Furthermore, Montgomery County is almost devoid of Vape Shops due to the 30% of wholesale tax imposed upon ESDs, amongst other draconian measures, passed and/or contemplated by the Montgomery County Council. Instead of raising tax revenue for Montgomery County, the tax had the opposite effect. Now, the sole sponsor of SB 410 is attempting to give all municipalities and counties in Maryland the ability to pass laws in addition to the already crippling taxes and regulations being set forth by the Federal and State governments. If the counties and municipalities were given this power, it could destroy the vaping industry in Maryland.

Vaping gives adult smokers the ability to cease their deadly habit of smoking cigarettes by switching to a more viable alternative to smoking. Hence, Senate Bill 410 would be against the interest of public health for Maryland citizens.

V. Conclusion

I recommend that the Senate Finance Committee issue an unfavorable report for Senate Bill 410. Thank you for considering my comments and please contact me with any questions or concerns. I will contact your staff to bring your attention to my written testimony and express my desire to discuss this issue.