

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>