

ECM_Full_Partners_PG Cigar Bar Opposition Letter_

Uploaded by: Aleks Casper

Position: UNF



Joint Letter House Bill 374 & Senate Bill 186 (PG 303-24)
House Economic Matters
February 16, 2024
Opposition

Chair Wilson, Vice-Chair Crosby and Members of the Committee:

Thank you for the opportunity to provide comments on House Bill 374 and Senate Bill 186 (PG 303-24) Prince George's County-Alcoholic Beverages-Cigar Lounge License sponsored by the Prince George's Delegation and Senator Watson. The American Lung Association, American Heart Association, Campaign for Tobacco-Free Kids, American Cancer Society Cancer Action Network, and Maryland-DC Society of Addiction Medicine **strongly oppose** this bill as it would provide an exemption to Maryland's smoke-free law.

As written, the proposed legislation significantly undermines the strong smoke-free workplace protections currently in place in Maryland. The proposed legislation allows for the establishment of Cigar Lounges which can also sell beer, wine, and liquor in Prince George's. This change would expand businesses that are exempt from the smoke-free law and allow indoor smoking.

This insertion of the ability to apply for both an alcohol and cigar license creates a significant loophole in indoor smoking protections and could allow more places within Prince George's and in turn Maryland to permit smoking that previously did not. If passed the legislation would make it easier to exempt establishments in not only Prince George's but in other parts of the Maryland from the smoke-free law which weakens decades of progress in preventing exposure to secondhand smoke.

Research has clearly demonstrated that there is no safe level of exposure to toxic secondhand smoke.¹ While ventilation or air purification systems are sometimes promoted as a way to reduce exposure to secondhand smoke, ventilation cannot remove all secondhand smoke and does not purify the air at rates fast enough to protect people from harmful toxins. The U.S. Surgeon General has concluded that even separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposure of nonsmokers to secondhand smoke. The only effective way to fully protect nonsmokers from exposure to secondhand smoke is to completely eliminate smoking in indoor public spaces.²

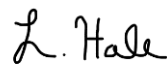
Secondhand smoke is also an occupational hazard for many workers. Job related exposure to secondhand smoke is a significant, but entirely preventable, cause of premature death among U.S. workers. The National Institute of Occupational Health and Safety (NIOSH) and the US Surgeon General found that occupational exposure to secondhand smoke increases workers' risk of lung cancer and other diseases. Patrons were also found to have significantly elevated levels of a tobacco-specific lung carcinogen after a four-hour visit to a casino that allowed smoking.^{3 4} The American Society of Heating, Refrigerating and Air-Conditioning Engineers states that the only way to eliminate indoor exposure to environmental tobacco smoke is to eliminate all indoor smoking activity.

The American Lung Association, American Heart Association, Campaign for Tobacco-Free Kids, American Cancer Society Cancer Action Network, and the Maryland-DC Society of Addiction Medicine thank Maryland lawmakers for their continued commitment to the health and wellbeing of the residents of Maryland and the desire to protect Marylanders from exposure to secondhand smoke. The American Lung Association, American Heart Association, Campaign for Tobacco-Free Kids, American Cancer Society Cancer Action Network, and the Maryland-DC Society for Addiction Medicine **strongly oppose** the legislation before you, House Bill 374 and Senate Bill 186 (PG 303-24) and would encourage members of the committee to vote no on these bills and protect Maryland's strong smokefree laws. If you have additional questions, please don't hesitate to contact any of us.

Sincerely,



Aleks Casper
American Lung Association
Director of Advocacy
202-719-2810
aleks.casper@lung.org



Laura Hale
American Heart Association
Director of Government Relations
336-480-4829
laura.hale@heart.org

¹ U.S. Department of Health and Human Services (HHS). *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.

² HHS, 2006.

³ Anderson KE, Kliris J, Murphy L, et al (2003). Metabolites of a Tobacco-Specific Lung Carcinogen in Nonsmoking Casino Patrons. *Cancer Epidemiol Biomarkers Prev* 12(12):1544-6.

⁴ Americans for Nonsmokers' Rights. Smokefree Casinos. <https://nonsmokersrights.org/smokefree-casinos>



A handwritten signature in black ink that reads "Kristin Jimison".

Kristin Jimison
Campaign for Tobacco-Free Kids
Regional Advocacy Director
804-349-5578
kjimison@tobaccofreekids.org

A handwritten signature in black ink that reads "Lance Kilpatrick".

Lance Kilpatrick
American Cancer Society Cancer Action Network
Government Relations Director
410-547-2143
lance.kilpatrick@cancer.org

A handwritten signature in black ink that reads "Joseph Adams M.D.". The signature is written in a cursive style.

Joseph A. Adams MD, FASAM
Maryland-DC Society of Addiction Medicine
Co-Chair, Public Policy Committee
410-812-1447
joeadamsmd@gmail.com

374.pdf

Uploaded by: Bobby Patel

Position: UNF

Feb 15th 2024

To

House Of State of Maryland

House Office Building

6 Bladen Street

Annapolis, MD 21401

RE: Oppose To Maryland House bill (HB0374) the purpose of establishing a Class B–CL (cigar lounge) beer, wine, and liquor license in Prince George’s County; excluding the license from certain distance restrictions, excluding a certain business that operates in the county under the license from the requirements of the Clean Indoor Air Act; and generally relating to alcoholic beverages licenses in Prince George’s County.

Dear Representatives

My Name Is Bobby Patel from Rip’s Wine & Spirits in Bowie MD. I have recently Heard there is interest to draft legislation making the purpose of establishing a Class B–CL (cigar lounge) beer, wine, and liquor license in Prince George’s County; excluding the license from certain distance restrictions, excluding a certain business that operates in the county under the license from the requirements of the Clean Indoor Air Act; and generally relating to alcoholic beverages licenses in Prince George’s County.

I am Strongly Oppose the House Bill that will change whole Liquor store Industry and it would hurt Current Liquor Off Sale License’s in Price George’s County.

I appreciate your help and ask that you please send me a response letting me know if you are able to oppose any future House Bill that hurt our local small liquor store businesses in State of Maryland.

Sincerely,

Bobby Patel

3809 Crain Hwy

Bowie, MD, 20716

HB847&1424.pdf

Uploaded by: Himanshu Amin

Position: UNF

I strongly oppose House Bill 847, and bill House bill 1424. I own and represent Rips Wine and Spirits in Bowie, Prince George's county. I can proudly say the Rip's employs about 85 employees to run its business and I am proud in offering to support this many families by providing their family member a decent paying job. I recently entered in liquor retail business since last 2 years and have paid hefty cost on buying the liquor license with store. I have also invested hundreds of thousands in training employees, upgrading building infrastructure to make smoother operation of my business. I have taken out loans and risked my livelihoods to open this store. If supermarkets are allowed to sell beer and wines and allowed to have multiple licenses, my store would get beaten up on prices by massive grocery stores chains and corporate stores. This move will definitely affect rips operation. That would put me and my employees out of work which may affect their families as well which may push me in bankruptcy.

Please mark my oppose to this bill 847. If you may want to reach out to me, please do not hesitate to reach out at himanshu@ripscountryinn.com or call me at 301-805-5900 x 104

Himanshu Amin

Rips country inn

3809 crain Highway, Bowie Prince George's county

HB0374_UNF_MSLBA_PG County - Alc. Bev. - Cigar Lou

Uploaded by: Jack Milani

Position: UNF



**MARYLAND STATE
LICENSED BEVERAGE ASSOCIATION**

150 E Main Street, Suite 104, Westminster, MD 21157

TO: The Honorable C.T. Wilson, Chair
Members, House Economic Matters Committee
The Prince George's County Delegation

FROM: MD State Licensed Beverage Association

DATE: February 19, 2024

RE: **OPPOSE** – House Bill 374 – Prince George's County – Alcoholic Beverages – Cigar Lounge
License PG 303-24

The Maryland State Licensed Beverage Association (MSLBA), which consists of approximately 800 Maryland businesses holding alcoholic beverage licenses (restaurants, bars, taverns, and package stores), **opposes** House Bill 374.

This legislation would carve an exception to Maryland's indoor smoking ban to allow for a cigar lounge, and create a Class B-CL (Cigar Lounge) license, which allows the licensee to sell beer, wine, and liquor to customers for on-premise consumption. In short, the bill allows smoking in indoor facilities which serve alcohol.

Effective in 2008, the State implemented the indoor smoking ban and effectively prohibited smoking in bars and restaurants where alcohol is served. But because the ban applied uniformly across the industry, there was a level playing field. House Bill 374 reverses that policy, allowing certain establishments where smoking is allowed to obtain a liquor license. While the 2008 law took the smoking out of bars, House Bill 374 would put the bar into the smoking facility. The establishments that years ago had this privilege taken away object to this change as fundamentally unfair and ask that the legislation not be adopted. Indeed, MSLBA has opposed every attempt to make similar amendments in other counties, most recently in 2023 in Wicomico County (Senate Bill 795/2023).

As an alternative, if the Delegation chooses to adopt the measure, the Clean Indoor Air Act should be further amended to allow all on-premise licensees to permit the smoking of cigars.

Thank you for your consideration.

For more information call:
MD State Licensed Beverage Assoc.
410-876-3464

HB 0374 - ECM - PHPA - OPP.pdf

Uploaded by: Jason Caplan

Position: UNF



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 19, 2024

The Honorable C. T. Wilson
Chair, House Economic Matters Committee
Room 231, House Office Building
Annapolis, MD 21401-1991

RE: House Bill 374 – Prince George's County - Alcoholic Beverages - Cigar Lounge License PG 303-24 – Letter of Opposition

Dear Chair Wilson and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of opposition for House Bill (HB) 374 – Prince George's County - Alcoholic Beverages - Cigar Lounge License PG 303-24. This bill establishes a Class B-CL (cigar lounge) beer, wine, and liquor license in Prince George's County for use at a cigar bar. This license would allow a licensee to serve alcohol for on-site consumption while being exempted from the requirements of the Clean Indoor Air Act.

HB 374 undermines the integrity of the Clean Indoor Air Act and will result in increased exposure to secondhand smoke for Marylanders. In 2007, the Maryland General Assembly passed landmark legislation establishing the Clean Indoor Air Act (CIAA). The CIAA adopted minimum comprehensive and uniform statewide protections from exposure to secondhand smoke in places of employment and public places, including, but not limited to, stores, restaurants, and bars. Exempted from these provisions were retail tobacco businesses in which the primary activity is the retail sale of tobacco products and the sale of other products is incidental.

HB 374 does not establish any limits on the sale of alcohol at cigar lounges, and allows a business in Prince George's County to operate under a Class B-CL license where the primary activity is *not* the retail sale of tobacco products. In effect, HB 374 allows a "cigar lounge" to act as a restaurant or bar that is not subject to the CIAA. This loophole undermines the very intention of the Maryland General Assembly when the CIAA was passed—to keep smoking out of bars and restaurants, and protect Maryland residents and employees from exposure to secondhand smoke.

A universal ban on indoor smoking is a proven public health strategy to reduce exposure to secondhand smoke. When the CIAA went into effect in February of 2008, the percentage of public middle and high school youth who reported no exposure to cigarette smoke in the past seven days increased by more than 10%, an increase that has persisted. Part of the success of the CIAA is the ability of the Department, with its partners at the Department of Labor and local health departments, to establish uniform and consistent standards for businesses and other public

indoor spaces across the State. HB 374 would increase the exposure of Marylanders to secondhand tobacco smoke. Because a business operating under a Class B-CL license does not have to sell tobacco products as its primary activity, a consumer may not be aware they are entering a “cigar lounge” where they could be subjected to secondhand smoke. Furthermore, the bill establishes a precedent that would inevitably lead to other jurisdictions and establishments arguing that they, too, should be permitted to allow smoking.

The Department strongly opposes the passage of HB 374.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "LH Scott".

Laura Herrera Scott, M.D., M.P.H.
Secretary

MDDCSAM HB 374 PG cigar bar.pdf

Uploaded by: Joseph Adams, MD

Position: UNF



MDDCSAM is the Maryland state chapter of the American Society of Addiction Medicine whose members are physicians and other health providers who treat people with substance use disorders.

HB 374 Prince George's County - Alcoholic Beverages - Cigar Lounge License PG 303-24

UNFAVORABLE

House Economic Matters Committee February 19, 2024

Greetings, and thank you Chair Wilson, Vice Chair Crosby, and members of the committee.

This bill rolls back and undermines clean indoor air protections that were enacted in Maryland through years of concerted efforts by a broad coalition of health advocates working on behalf Maryland citizens.

Second-hand smoke has been classified by the Environmental Protection agency as a Class A human carcinogen for which there is no safe level of exposure. This finding has been confirmed by the U.S. Surgeon General.

Children, pregnant persons and those with health conditions such as asthma, are at disproportionate risk.

Employees, including potentially pregnant employees, would not be able to avoid exposure to second-hand smoke in their workplace short of quitting their jobs.

According to the Centers for Disease Control (CDC), secondhand smoke causes nearly 34,000 premature deaths from heart disease each year in the United States among adults who do not smoke.

Healthy individuals are susceptible to discomfort and health consequences of second-hand smoke. Some individuals are highly intolerant to second hand smoke and experience a great deal of discomfort.

We urge an unfavorable report.

Respectfully,
Joseph A. Adams, MD, FASAM
Board certified in addiction medicine and internal medicine

ECM_Full_Partners_ PG Cigar Bar Opposition Letter_

Uploaded by: Laura Hale

Position: UNF



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Opposition

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As written, the proposed legislation significantly undermines the strong smoke-free workplace protections currently in place in Maryland. The proposed legislation allows for the establishment of Cigar Lounges which can also sell beer, wine, and liquor in Prince George's. This change would expand businesses that are exempt from the smoke-free law and allow indoor smoking.

This insertion of the ability to apply for both an alcohol and cigar license creates a significant loophole in indoor smoking protections and could allow more places within Prince George's and in turn Maryland to permit smoking that previously did not. If passed the legislation would make it easier to exempt establishments in not only Prince George's but in other parts of the Maryland from the smoke-free law which weakens decades of progress in preventing exposure to secondhand smoke.

Research has clearly demonstrated that there is no safe level of exposure to toxic secondhand smoke.¹ While ventilation or air purification systems are sometimes promoted as a way to reduce exposure to secondhand smoke, ventilation cannot remove all secondhand smoke and does not purify the air at rates fast enough to protect people from harmful toxins. The U.S. Surgeon General has concluded that even separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposure of nonsmokers to secondhand smoke. The only effective way to fully protect nonsmokers from exposure to secondhand smoke is to completely eliminate smoking in indoor public spaces.²

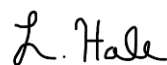
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202-719-2810
aleks.casper@lung.org



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Director of Government Relations
336-480-4829
laura.hale@heart.org

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Kristin Jimison

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Lance Kilpatrick

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Joseph Adams M.D.

Joseph A. Adams MD, FASAM
Maryland-DC Society of Addiction Medicine
Co-Chair, Public Policy Committee
410-812-1447
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HB374_RestaurantAssoc_Thompson_UNFAVORABLE.pdf

Uploaded by: Melvin Thompson

Position: UNF



House Bill 374

Prince George's County - Alcoholic Beverages - Cigar Lounge License

February 19, 2024

Position: **OPPOSE**

Mr. Chairman and Members of the Economic Matters Committee:

The *Restaurant Association of Maryland* opposes HB 374, which would allow for a cigar lounge liquor license to be issued in Prince George's County.

Many of our restaurant bars accommodated smoking customers before Maryland's Clean Indoor Air Act became law in 2008. Given that the General Assembly banned smoking in indoor areas open to the public, including establishments that serve alcohol and other workplaces, it would be unfair to subsequently allow alcohol to be served at establishments that allow smoking under the retail tobacco business exemption of the Clean Indoor Air Act.

Under Section 24-501 of the Act's definition of "Indoor area open to the public," an indoor area of any establishment licensed or permitted under the Alcoholic Beverages Article of Maryland's Code for the sale or possession of alcoholic beverages is also covered under the smoking ban. This means that a cigar lounge/shop can allow smoking under the retail tobacco business exemption of the Clean Indoor Air Act but cannot also be licensed to sell/serve alcohol. And we oppose the passage of legislation that would allow for this.

Although we do not generally take positions on local alcohol bills, we are concerned about the precedent that passage of this legislation would create statewide. We have also opposed similar cigar lounge liquor license bills proposed for Frederick, Harford, and Wicomico Counties in recent years. None of those bills passed.

For these reasons, we request an unfavorable report.

Sincerely,

A handwritten signature in black ink that reads "Melvin R. Thompson". The signature is written in a cursive style and is followed by a long horizontal line.

Melvin R. Thompson
Senior Vice President

HB 0374 - ECM - Cancer Council (PHPA) - LOO.docx.p

Uploaded by: State of Maryland (MD)

Position: UNF



February 19, 2024

The Honorable Delegate C. T. Wilson
Chair, House Economic Matters Committee
Room 231, House Office Building
Annapolis Maryland 21401-1991

RE: HB 374 – Prince George’s County – Alcoholic Beverages - Cigar Lounge License – Letter of Opposition

Dear Chair Wilson:

The Maryland State Council on Cancer Control (“the Council”) submits this letter of opposition for House Bill 374 (“HB 374”), titled: “Prince George’s County – Alcoholic Beverages – Cigar Lounge License”. HB 374, as drafted, would establish a license to allow for the joint sale and consumption of alcohol and cigars on the same premises in Prince George’s County. This license would then operate as an exception to the Clean Indoor Air Act (“CIAA”).

In 2007, the Maryland General Assembly passed the CIAA. The CIAA adopted minimum comprehensive and uniform statewide protections from exposure to secondhand smoke in places of employment and public places, including, but not limited to, stores, restaurants, and bars.

The CIAA defines “Smoking” to include “the burning of a lighted cigarette, cigar, pipe, or other substance that contains tobacco.” The CIAA further defines “Indoor area open to the public” to include “an indoor area of any establishment licensed . . . **for the sale of alcoholic beverages.**” With certain exceptions, the CIAA unequivocally prohibits “smoking” in “an indoor area open to the public.”

The Council is deeply concerned that HB 374 erodes the protection of the CIAA. Indeed, based upon the language highlighted above and the proposed amendment to the CIAA, HB 374 will effectively eliminate current protection from secondhand smoke emitted by cigars in bars and restaurants located in Prince George’s County. Moreover, if passed, HB 374 would serve as precedent for other Maryland counties to replicate this legislation, which would further undermine the CIAA. Additionally, the Council is very concerned that future legislation could extend the license contemplated by HB 374 to other types of tobacco products.

Unquestionably, the CIAA has reduced exposure in Maryland to the carcinogens of secondhand smoke. Further, there is a clear causal relationship between the carcinogens of secondhand smoke and lung cancer, and links between secondhand smoke and other cancers.

While the Council usually does not comment on bills unique to specific counties, HB 374 seeks to reverse protections of the CIAA and set precedent for further rollbacks. As the State Council is



tasked with identifying policies to reduce the cancer burden in Maryland, the Council submits this letter of opposition.

Sincerely,

A handwritten signature in black ink that reads "Kevin J. Cullen, MD". The signature is written in a cursive style.

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