A BILL ENTITLED

AN ACT concerning

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

FOR the purpose of authorizing a county or municipality to enact and enforce local laws regulating the sale and distribution of cigarettes, other tobacco products, and electronic smoking devices, subject to certain exceptions; declaring the intent of the General Assembly; and generally relating to the regulation of cigarettes, other tobacco products, and electronic smoking devices in counties and municipalities.

BY adding to

Article – Business Regulation

Section 16–308.4, 16.5–104, and 16.7–103

Annotated Code of Maryland

(2015 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Business Regulation

16–308.4.

EXCEPT FOR THE ISSUANCE OF LICENSES UNDER THIS TITLE OR THE IMPOSITION OF TAXES ON CIGARETTES UNDER TITLE 12 OF THE TAX – GENERAL ARTICLE, A COUNTY OR MUNICIPALITY MAY ENACT AND ENFORCE LOCAL LAWS THAT ARE AT LEAST AS STRINGENT AS THE PROVISIONS OF THIS TITLE THAT REGULATE THE SALE AND DISTRIBUTION OF CIGARETTES.

16.5–104.
EXCEPT FOR THE ISSUANCE OF LICENSES UNDER THIS TITLE OR THE IMPOSITION OF TAXES ON OTHER TOBACCO PRODUCTS UNDER TITLE 12 OF THE TAX – GENERAL ARTICLE, A COUNTY OR MUNICIPALITY MAY ENACT AND ENFORCE LOCAL LAWS THAT ARE AT LEAST AS STRINGENT AS THE PROVISIONS OF THIS TITLE THAT REGULATE THE SALE AND DISTRIBUTION OF OTHER TOBACCO PRODUCTS.

16.7–103.

EXCEPT FOR THE ISSUANCE OF LICENSES UNDER THIS TITLE, A COUNTY OR MUNICIPALITY MAY ENACT AND ENFORCE LOCAL LAWS THAT ARE AT LEAST AS STRINGENT AS THE PROVISIONS OF THIS TITLE THAT REGULATE THE SALE AND DISTRIBUTION OF ELECTRONIC SMOKING DEVICES.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that this Act be applied and interpreted to abrogate the holding of the Court of Appeals in Altadis U.S.A., Inc. v. Prince George’s County, 431 Md. 307.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.