



TO: Chair Dereck Davis and members of the House Economic Matters Committee
FROM: Shawn McIntosh, Executive Director, Sugar Free Kids Maryland
Representing LOCAL Maryland
DATE: February 24, 2011
RE: House Bill 1011 – **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. We support House Bill 1011.

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.

House Bill 1011 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 House Bill 1011.