

February 24, 2021

House Bill 1011
Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Local
Law Authorization
House Economic Matters Committee

Position: FAVORABLE

House Bill 1011 expressly authorizes a county or municipality to enact and enforce local laws that are at least as stringent as State laws that regulate the sale and distribution of cigarettes, other tobacco products, and electronic smoking devices. 7,500 adults in Maryland die each year due to tobacco-related causes, and hundreds of thousands more suffer from tobacco-related diseases such as COPD, emphysema or cancers.¹ The legislation clarifies that counties and cities in Maryland can go further than the state to pass tobacco control laws.

Prior to 2013, counties and cities in Maryland were generally able to pass tobacco control laws that were stronger than the state. In *Altadis v. Prince George's County*, the Maryland Court of Appeals held that local governments are unable to pass new laws related to tobacco sales and distribution. Local governments are hesitant to enforce existing tobacco ordinances for fear of further lawsuits from the tobacco industry. HB 1011 recognizes that county governments and local health departments are key partners in maximizing the effectiveness of tobacco use prevention and cessation initiatives in Maryland.²

The Bill is enabling only and puts no obligation on a local jurisdiction to enact any laws. If a county does enact a local law, it could tailor such an ordinance to the county's needs. HB 1011 does not grant new tax authority to local governments. It allows local flexibility in licensing regulations. Cities and counties face a host of issues when it comes to tobacco and nicotine products, and being able to locally address some of these issues rather than running to the state for everything can be very effective to protect the health of our residents.

Accordingly, Anne Arundel County respectfully requests a **FAVORABLE** report on House Bill 1011.

¹ https://phpa.health.maryland.gov/ohpetup/pages/tob_home.aspx

² https://phpa.health.maryland.gov/ohpetup/Pages/tob_local_initiatives.aspx