

ANTONIO HAYES  
Legislative District 40  
Baltimore City

Finance Committee



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Hayes in Support of Senate Bill 378: Baltimore City - Cigarettes,  
Other Tobacco Products, and Electronic Smoking Devices - Local Laws Authorization**

**February 11, 2021**

Chairman Kelley and Members of the Finance Committee,

The Maryland Department of Health states that 7,500 adults in Maryland die each year due to tobacco-related causes and hundreds of thousands more suffer from tobacco-related diseases. In particular, Baltimore City has one of the highest prevalence of smokers in Maryland. African Americans tend to smoke at a higher rate, leading to greater health disparities in our State. The density of tobacco retailers exacerbates tobacco usage rates; over 1,600 retailers operate in Baltimore City.

Smoking continues to be a leading public health hazard in Baltimore City. To address this hazard, legislation can be enacted and enforced more efficiently at the local level. Senate Bill 378 would enable greater efficiency in addressing smoking hazards by authorizing the Baltimore City Council and the Baltimore City Mayor to enact and enforce laws regulating the sale and distribution of cigarettes and other smoking devices.

Currently, Baltimore City is preempted from legislating in the aforementioned fields due to the Maryland Court of Appeals holding in *Altadis v. Prince George's County*. Other jurisdictions, such as New York and Philadelphia, have passed legislation to prevent a similar situation from arising because it inhibits effective and efficient control of tobacco retailer density, which is directly correlated with usage.

Additionally, this bill would allow Baltimore City to enforce tobacco laws in tandem with the Comptroller's Office. This creates a meaningful opportunity for local government to reduce the burden of broad enforcement that currently falls upon the Comptroller. Furthermore, Senate Bill 378 makes an important exception for the issuance of licenses, ensuring that the Baltimore City Council and Mayor are not authorized to enact and enforce local legislation relating to licensing or the imposition of taxes on cigarettes.

Senate Bill 378 proposes to provide the Baltimore City Council and Mayor with authority proportional to the public health hazard created by current rates of tobacco usage among

Baltimore City residents. In addition to enabling tobacco-related policy and enforcement, the bill has meaningful potential to reduce the broad responsibility of enforcement burdening the Comptroller.

Thus, I urge a favorable report on Senate Bill 378.

Respectfully,

A handwritten signature in blue ink, appearing to read "Antonio L. Hayes", is written in a cursive style.

Senator Antonio L. Hayes  
40<sup>th</sup> Legislative District - MD