



American Cancer Society  
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February 11, 2021

**TO:** The Honorable Delores G. Kelley, Chair  
The Honorable Brian J. Feldman, Vice Chair  
Members of the Senate Finance Committee  
3 East  
Miller Senate Office Building  
Annapolis, MD 21401

**FROM:** Jocelyn Collins, Maryland and Washington, D.C. Govt. Relations Director  
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**SUBJECT:** SB 378 Baltimore City—Cigarettes, Other Tobacco Products, and  
Electronic Smoking Devices—Local Laws Authorization

**POSITION:** SUPPORT

Dear Chair Kelley and Members of the Finance Committee:

On behalf of the American Cancer Society Cancer Action Network (ACS CAN) and those we serve, I am writing to express **SUPPORT** of SB 378. ACS CAN advocates for public policies that will help prevent cancer at all levels of government. Local control over matters designed to protect the public's health has numerous benefits that are lost when local power is preempted.

Currently, Maryland courts has adopted, albeit inconsistently, a novel theory of State preemption over local actions – finding that counties may be preempted even without any State law explicitly stating so. This principle has been used for years to invalidate multiple local tobacco regulations, and more recently on local pesticide restrictions and land use decisions for energy facilities. This legislation would clarify, that Baltimore City is able to enact local laws regulating the sale and distribution of cigarettes, other tobacco products, and electronic smoking devices.

Local authority provides for greater accountability because local lawmakers interact with their constituents on a daily basis. Local policymakers can often quickly identify problems in their

community and more easily craft proactive solutions to address the unique needs of their community to make healthier living easier for those who reside, work and play in their community.

Local authority fosters breakthroughs and customized solutions. Local governments are sometimes called the “laboratories of democracy.” This local authority creates an environment where community leaders can pioneer better policies, raising the bar for everyone. This ability to be innovative is especially important when we are still learning what works. Preemptive laws that discourage such breakthroughs in protecting the community’s health, can be especially dangerous in years to come.

The development of public policy at the local level creates community debate, education, and engagement in a way that policymaking at the state or federal level generally does not. This engagement creates a broader base of public understanding and usually leads to more sustainable policies.

Again, ACS CAN works at the local, state and federal levels, so it is important for each of these levels of government to work together to implement policies to protect the public’s health. It’s through working together that we save lives. By removing local policymakers and local policies from the process, preemption will affect the ability to implement protective policies. We ask the committee for a “favorable” report on SB 378.