



Montgomery County

Office of Intergovernmental Relations

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SB 99

DATE: January 27, 2022

SPONSOR: Senator Kramer

ASSIGNED TO: FINANCE

CONTACT PERSON: Leslie Frey (leslie.frey@montgomerycountymd.gov)

POSITION: SUPPORT

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

Except for the issuance of licenses or the imposition of taxes, Senate Bill 99 would permit counties to regulate the sale and distribution of cigarettes and other tobacco products (e.g., cigars, pipe tobacco, smoked products containing tobacco or nicotine, chewing tobacco, snuff, and hookahs) by enacting local laws at least as restrictive as the State's laws. This bill would also permit counties to regulate the sale and distribution of electronic smoking devices such as e-cigarettes, e-cigars, e-hookahs, and vaping liquid with local laws at least as restrictive as the State's laws.

This bill is intended to abrogate the Maryland Court of Appeals' holding in *Altadis U.S.A., Inc. v. Prince George's County*, 431 Md. 307 (2013). In that case, the Court of Appeals struck down a Prince George's County ordinance requiring cigars to be sold in packages of at least five, finding that the ordinance was impliedly preempted by extensive state regulation in the field.

To date, Montgomery County has taken numerous measures to regulate tobacco products to the extent currently permitted under State law, including restrictions on the distribution of tobacco and electronic smoking devices to minors, limiting smoking and vaping in certain public places, restricting the display and storage of tobacco and electronic smoking devices, requiring child-resistant packaging of liquid nicotine containers, prohibiting the distribution of electronic smoking devices near schools, and prohibiting the distribution of flavored electronic smoking devices near schools, libraries, and recreational facilities. With the enactment of Senate Bill 99, Montgomery County would be enabled to build upon the local laws already in place and determine whether and which additional local laws would be appropriate and necessary for the County.

As a matter of protecting the health of the public and especially our youth, and exercising appropriate and necessary local law-making authority, Montgomery County respectfully urges the committee to issue a favorable report.