



January 24, 2022

Testimony of Laura Hale
American Heart Association
Support of SB 99 Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Local Law Authorization

Dear Chair Kelley, Vice Chair Feldman, and Honorable Members of the Finance Committee,

Thank you for the opportunity to submit testimony. My name is Laura Hale and I am the Director of Government Relations for the American Heart Association. The American Heart Association offers our strong support of SB 99.

Localities in Maryland have long been a partner with the state in the fight against big tobacco. Without the local authority to enact and enforce tobacco control laws, Maryland's local governments will not be able to respond to the unique drivers of tobacco use in their jurisdictions. It is estimated that each day 5,000 children under the age of 18 try smoking for the first time, and more than 3,000 children become new regular smokers. Unless smoking rates decline, 5.6 million kids alive today will ultimately die from smoking. To protect Maryland's youth from the dangers of tobacco use, local governments must be able to rectify a recent Court of Appeals decision that calls into question their ability to regulate the sale and distribution of tobacco products at the local level.

In 2013, the Maryland Court of Appeals held that state law preempts local regulation of minimum packaging requirements for cigars, the effect of which has limited our authority to pass and enforce laws regulating the sale and distribution of tobacco products. *Altadis U.S.A., Inc., et al. v. Prince George's County, Maryland*, 431 Md. 307, (2013). The holding turns on the existence of certain provisions in the State Business Regulation Article relating to cigar packaging even though those state provisions were enacted after the local laws in question and even after oral argument in this matter. Unfortunately, this decision contains broad language concerning state preemption of the local authority to enact and enforce laws regulating the sale and distribution of tobacco products. This language has resulted in local jurisdictions being threatened with lawsuits if they continue to enforce and enact and enforce tobacco laws that appropriately address the specific challenges of their community.

The legislation before you today seeks to clarify, for the courts that counties and cities in Maryland can go farther than the state to pass tobacco control laws. Maryland cities and counties need to be able to fight back against big tobacco. This bill allows them to do this. The American Heart Association urges a swift and favorable report on SB 99.