

**MARYLAND SENATE FINANCE COMMITTEE
HEARING ON S.B. 99
JANUARY 27, 2022**

Mr. Chairman, Ms. Vice-Chairman and members of the Committee, thank you for the opportunity to provide written testimony and express my support for S.B. 99, which would ensure local governments are able to regulate the sale and distribution of tobacco products. My name is Linda Willard, and I am a resident of Chevy Chase Village, Maryland.

I am a Maryland representative of a national grassroots organization, Parents Against Vaping E-Cigarettes, or PAVe. PAVe was started in 2018 by three concerned moms in response to the youth vaping epidemic and is now in more than a dozen states with its chapters called "pods", all run by volunteer parent advocates like me. The youth vaping epidemic is a serious public health issue. Smoking also continues to be a concern for Maryland youth. 1400 kids in the state become new daily smokers each year.

Throughout history, local governments in Maryland were on the front lines in the protection of public health with respect to tobacco use. For example, Baltimore City, Howard, Talbot, Montgomery, Prince George's, and Baltimore Counties passed clean indoor air laws prohibiting smoking prior to the statewide one.

In 2009, Prince George's County became one of the first counties in the state to prohibit the sale of unpackaged cigars, which was in response to the significant increase in the consumption of single-pack cigars by young people. Cigar manufacturers and distributors challenged the ordinance in court, arguing that state tobacco laws preempted the County's authority to regulate cigar pack size. Sadly, the court sided with the tobacco industry (*Altadis v. Prince George's County*, 431 Md. 307 (2013)), leaving local governments in Maryland powerless with respect to the regulation of tobacco products.

Without the power to enact and enforce tobacco control laws, local governments are unable to respond to specific causes of tobacco use in their jurisdictions. This situation is particularly harmful to Maryland's youth, who are often the target of marketing tactics from the tobacco industry. Localities are not only afraid to enact new legislation, they are now also reluctant to enforce some existing tobacco regulations. In Baltimore City, for instance, the Health Department stopped enforcing a local tobacco control law prohibiting the sale of single cigarettes, for fear that such enforcement would invite litigation, as in the *Altadis* case.

The regulation of tobacco is not something that should reside solely with the state or with the local jurisdictions. Rather, states and localities can and should work together in protecting public health. S.B. 99 makes clear that localities in Maryland have the authority to enact and enforce local laws regulating the sale and distribution of cigarettes and other tobacco products. And it also ensures that traditional state powers, such as licensing and taxing, stay with the states.

Mr. Chairman, members of the Committee, I urge you to pass S.B. 99 to make clear that localities can protect the public health of their communities, particularly the youth in their communities.