



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 23, 2024

The Honorable Pamela Beidle
Chair, Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401-1991

RE: Senate Bill 186 – Prince George's County - Alcoholic Beverages - Cigar Lounge License PG 303-24 – Letter of Opposition

Dear Chair Beidle and Committee members:

The Maryland Department of Health (the Department) respectfully submits this letter of opposition for Senate Bill (SB) 186 – Prince George's County - Alcoholic Beverages - Cigar Lounge License PG 303-24. This bill establishes a Class B-CL (cigar lounge) beer, wine, and liquor license in Prince George's County for use at a cigar bar. This license would allow a licensee to serve alcohol for on-site consumption while being exempted from the requirements of the Clean Indoor Air Act.

SB 186 undermines the integrity of the Clean Indoor Air Act and will result in increased exposure to secondhand smoke for Marylanders. In 2007, the Maryland General Assembly passed landmark legislation establishing the Clean Indoor Air Act (CIAA). The CIAA adopted minimum comprehensive and uniform statewide protections from exposure to secondhand smoke in places of employment and public places, including, but not limited to, stores, restaurants, and bars. Exempted from these provisions were retail tobacco businesses in which the primary activity is the retail sale of tobacco products and the sale of other products is incidental.

SB 186 does not establish any limits on the sale of alcohol at cigar lounges, and allows a business in Prince George's County to operate under a Class B-CL license where the primary activity is *not* the retail sale of tobacco products. In effect, SB 186 allows a "cigar lounge" to act as a restaurant or bar that is not subject to the CIAA. This loophole undermines the very intention of the Maryland General Assembly when the CIAA was passed—to keep smoking out of bars and restaurants, and protect Maryland residents and employees from exposure to secondhand smoke.

A universal ban on indoor smoking is a proven public health strategy to reduce exposure to secondhand smoke. When the CIAA went into effect in February of 2008, the percentage of public middle and high school youth who reported no exposure to cigarette smoke in the past seven days increased by more than 10%, an increase that has persisted. Part of the success of the CIAA is the ability of the Department, with its partners at the Department of Labor and local health departments, to establish uniform and consistent standards for businesses and other public

indoor spaces across the State. SB 186 would increase the exposure of Marylanders to secondhand tobacco smoke. Because a business operating under a Class B-CL license does not have to sell tobacco products as its primary activity, a consumer may not be aware they are entering a “cigar lounge” where they could be subjected to secondhand smoke. Furthermore, the bill establishes a precedent that would inevitably lead to other jurisdictions and establishments arguing that they, too, should be permitted to allow smoking.

The Department strongly opposes the passage of SB 186.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at sarah.case-herron@maryland.gov.

Sincerely,



Laura Herrera Scott, M.D., M.P.H.
Secretary