

PG 303 24 SB186 Cigar Lounge License updated 26202

Uploaded by: Darrell Carrington

Position: FWA



THE PRINCE GEORGE'S COUNTY GOVERNMENT

(301) 952-3700 County Council

POSITION STATEMENT

PG 303-24 (SB186) - Prince George's County - Alcoholic Beverages - Cigar Lounge License
Senator Ron Watson
(Finance)

POSITION:

SUPPORT

PG 303-24 (SB186) – Establishing a Class B-CL (cigar lounge) beer, wine, and liquor license in Prince George's County; excluding the license from certain distance restrictions; excluding a certain business that operates in the county under the license from the requirements of the Clean Indoor Air Act; and providing an annual license fee of \$900.

The Prince George's County Council shares Senator Watson's desire to expand the commercial tax base within our borders and increase the amenities available to both our residents and visitors. The Blue Line Corridor Project offers Prince George's County businesses a tremendous opportunity for growth and prosperity. This bill will allow businesses along this corridor. The Council greatly appreciates the amendments that have been offered to ensure a finite number of licenses, and, having those licenses targeted to specific areas in the County that have been identified for economic development activities. The Council, after debate and deliberation offer the following amendments to the bill. Those amendments add clarifying language so that it is clear that there cannot be more than 10 facilities operating within the County at any given time, and establishes a mileage restriction of 10 miles between each of these businesses.

For the foregoing reasons, the Prince George's County Council **SUPPORTS PG 303-24/SB186** as amended, and the amendments offered by our Council, and respectfully request your favorable consideration of its position.

Prepared by: Carrington & Associates, LLC
On behalf of Prince George's County Council

Finance_Full_Partners_PG Cigar Bar Opposition Let

Uploaded by: Aleks Casper

Position: UNF

Joint Letter House Bill 374 & Senate Bill 186 (PG 303-24)

Senate Finance Committee

February 23, 2024

Opposition

Chair Beidle, Vice-Chair Klausmeier and Members of the Committee:

Thank you for the opportunity to provide comments on House Bill 374 and Senate Bill 186 (PG 303-24) Prince George's County-Alcoholic Beverages-Cigar Lounge License sponsored by the Prince George's Delegation and Senator Watson. The American Lung Association, American Heart Association, Campaign for Tobacco-Free Kids, American Cancer Society Cancer Action Network, and Maryland-DC Society of Addiction Medicine **strongly oppose** this bill as it would provide an exemption to Maryland's smoke-free law.

As written, the proposed legislation significantly undermines the strong smoke-free workplace protections currently in place in Maryland. The proposed legislation allows for the establishment of Cigar Lounges which can also sell beer, wine, and liquor in Prince George's. This change would expand businesses that are exempt from the smoke-free law and allow indoor smoking.

This insertion of the ability to apply for both an alcohol and cigar license creates a significant loophole in indoor smoking protections and could allow more places within Prince George's and in turn Maryland to permit smoking that previously did not. If passed the legislation would make it easier to exempt establishments in not only Prince George's but in other parts of the Maryland from the smoke-free law which weakens decades of progress in preventing exposure to secondhand smoke.

Research has clearly demonstrated that there is no safe level of exposure to toxic secondhand smoke.¹ While ventilation or air purification systems are sometimes promoted as a way to reduce exposure to secondhand smoke, ventilation cannot remove all secondhand smoke and does not purify the air at rates fast enough to protect people from harmful toxins. The U.S. Surgeon General has concluded that even separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposure of nonsmokers to secondhand smoke. The only effective way to fully protect nonsmokers from exposure to secondhand smoke is to completely eliminate smoking in indoor public spaces.²

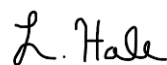
Secondhand smoke is also an occupational hazard for many workers. Job related exposure to secondhand smoke is a significant, but entirely preventable, cause of premature death among U.S. workers. The National Institute of Occupational Health and Safety (NIOSH) and the US Surgeon General found that occupational exposure to secondhand smoke increases workers' risk of lung cancer and other diseases. Patrons were also found to have significantly elevated levels of a tobacco-specific lung carcinogen after a four-hour visit to a casino that allowed smoking.^{3 4} The American Society of Heating, Refrigerating and Air-Conditioning Engineers states that the only way to eliminate indoor exposure to environmental tobacco smoke is to eliminate all indoor smoking activity.

The American Lung Association, American Heart Association, Campaign for Tobacco-Free Kids, American Cancer Society Cancer Action Network, and the Maryland-DC Society of Addiction Medicine thank Maryland lawmakers for their continued commitment to the health and wellbeing of the residents of Maryland and the desire to protect Marylanders from exposure to secondhand smoke. The American Lung Association, American Heart Association, Campaign for Tobacco-Free Kids, American Cancer Society Cancer Action Network, and the Maryland-DC Society for Addiction Medicine **strongly oppose** the legislation before you, House Bill 374 and Senate Bill 186 (PG 303-24) and would encourage members of the committee to vote no on these bills and protect Maryland's strong smokefree laws. If you have additional questions, please don't hesitate to contact any of us.

Sincerely,



Aleks Casper
American Lung Association
Director of Advocacy
202-719-2810
aleks.casper@lung.org



Laura Hale
American Heart Association
Director of Government Relations
336-480-4829
laura.hale@heart.org

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Kristin Jimison
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Regional Advocacy Director
804-349-5578
kjimison@tobaccofreekids.org

A handwritten signature in black ink that reads "Lance Kilpatrick".

Lance Kilpatrick
American Cancer Society Cancer Action Network
Government Relations Director
410-547-2143
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Joseph A. Adams MD, FASAM
Maryland-DC Society of Addiction Medicine
Co-Chair, Public Policy Committee
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SB0186_UNF_MSLBA_PG County - Alc. Bev. - Cigar Lou

Uploaded by: Jack Milani

Position: UNF



**MARYLAND STATE
LICENSED BEVERAGE ASSOCIATION**

150 E Main Street, Suite 104, Westminster, MD 21157

TO: The Honorable Pamela Beidle, Chair
Members, Senate Finance Committee
The Honorable Ron Watson

FROM: MD State Licensed Beverage Association

DATE: February 23, 2024

RE: **OPPOSE** – Senate Bill 186 – Prince George’s County – Alcoholic Beverages – Cigar Lounge License

The Maryland State Licensed Beverage Association (MSLBA), which consists of approximately 800 Maryland businesses holding alcoholic beverage licenses (restaurants, bars, taverns, and package stores), **opposes** Senate Bill 186.

This legislation would carve an exception to Maryland’s indoor smoking ban to allow for a cigar lounge, and create a Class B-CL (Cigar Lounge) license, which allows the licensee to sell beer, wine, and liquor to customers for on-premise consumption. In short, the bill allows smoking in indoor facilities which serve alcohol.

Effective in 2008, the State implemented the indoor smoking ban and effectively prohibited smoking in bars and restaurants where alcohol is served. But because the ban applied uniformly across the industry, there was a level playing field. Senate Bill 186 reverses that policy, allowing certain establishments where smoking is allowed to obtain a liquor license. While the 2008 law took the smoking out of bars, Senate Bill 186 would put the bar into the smoking facility. The establishments that years ago had this privilege taken away object to this change as fundamentally unfair and ask that the legislation not be adopted. Indeed, MSLBA has opposed every attempt to make similar amendments in other counties, most recently in 2023 in Wicomico County (Senate Bill 795/2023).

As an alternative, if the Delegation chooses to adopt the measure, the Clean Indoor Air Act should be further amended to allow all on-premise licensees to permit the smoking of cigars.

Thank you for your consideration.

For more information call:
MD State Licensed Beverage Assoc.
410-876-3464

SB 186- FIN- MDH- OPP.pdf

Uploaded by: Jason Caplan

Position: UNF



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,

A handwritten signature in blue ink, appearing to read "LH Scott".

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

MDDCSAM SB 186 PG cigar bar.pdf

Uploaded by: Joseph Adams, MD

Position: UNF



MDDCSAM is the Maryland state chapter of the American Society of Addiction Medicine whose members are physicians and other health providers who treat people with substance use disorders.

SB 186 Prince George's County - Alcoholic Beverages - Cigar Lounge License

UNFAVORABLE Finance Committee February 23, 2024

Thank you Chair Beidle, Vice Chair Klausmeier, and members of the committee,

This bill rolls back and undermines clean indoor air protections that were enacted in Maryland through years of concerted efforts by a broad coalition of health advocates working on behalf Maryland citizens.

Second-hand smoke has been classified by the Environmental Protection agency as a Class A human carcinogen for which there is no safe level of exposure. This finding has been confirmed by the U.S. Surgeon General.

Children, pregnant persons and those with health conditions such as asthma, are at disproportionate risk.

Employees, including potentially pregnant employees, would not be able to avoid exposure to second-hand smoke in their workplace short of quitting their jobs.

According to the Centers for Disease Control (CDC), secondhand smoke causes nearly 34,000 premature deaths from heart disease each year in the United States among adults who do not smoke.

Healthy individuals are susceptible to discomfort and health consequences of second-hand smoke. Some individuals are highly intolerant to second hand smoke and experience a great deal of discomfort.

We urge an unfavorable report.

Respectfully,
Joseph A. Adams, MD, FASAM
Board certified in addiction medicine and internal medicine

Finance_Full_Partners_PG Cigar Bar Opposition Let

Uploaded by: Kristin Jimison

Position: UNF



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Senate Finance Committee

February 23, 2024

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This insertion of the ability to apply for both an alcohol and cigar license creates a significant loophole in indoor smoking protections and could allow more places within Prince George's and in turn Maryland to permit smoking that previously did not. If passed the legislation would make it easier to exempt establishments in not only Prince George's but in other parts of the Maryland from the smoke-free law which weakens decades of progress in preventing exposure to secondhand smoke.

Research has clearly demonstrated that there is no safe level of exposure to toxic secondhand smoke.¹ While ventilation or air purification systems are sometimes promoted as a way to reduce exposure to secondhand smoke, ventilation cannot remove all secondhand smoke and does not purify the air at rates fast enough to protect people from harmful toxins. The U.S. Surgeon General has concluded that even separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposure of nonsmokers to secondhand smoke. The only effective way to fully protect nonsmokers from exposure to secondhand smoke is to completely eliminate smoking in indoor public spaces.²

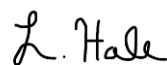
Secondhand smoke is also an occupational hazard for many workers. Job related exposure to secondhand smoke is a significant, but entirely preventable, cause of premature death among U.S. workers. The National Institute of Occupational Health and Safety (NIOSH) and the US Surgeon General found that occupational exposure to secondhand smoke increases workers' risk of lung cancer and other diseases. Patrons were also found to have significantly elevated levels of a tobacco-specific lung carcinogen after a four-hour visit to a casino that allowed smoking.^{3 4} The American Society of Heating, Refrigerating and Air-Conditioning Engineers states that the only way to eliminate indoor exposure to environmental tobacco smoke is to eliminate all indoor smoking activity.

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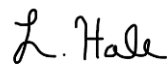
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Finance_Full_Partners_PG Cigar Bar Opposition Let

Uploaded by: Laura Hale

Position: UNF

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February 23, 2024

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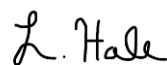
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Joseph Adams M.D.

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SB186_RestaurantAssoc_Thompson_UNFAVORABLE.pdf

Uploaded by: Melvin Thompson

Position: UNF



Senate Bill 186

Prince George's County - Alcoholic Beverages - Cigar Lounge License

February 23, 2024

Position: **OPPOSE**

Madame Chair and Members of the Senate Finance Committee:

The *Restaurant Association of Maryland* opposes SB 186, which would allow for a cigar lounge liquor license to be issued in Prince George's County.

Many of our restaurant bars accommodated smoking customers before Maryland's Clean Indoor Air Act became law in 2008. Given that the General Assembly banned smoking in indoor areas open to the public, including establishments that serve alcohol and other workplaces, it would be unfair to subsequently allow alcohol to be served at establishments that allow smoking under the retail tobacco business exemption of the Clean Indoor Air Act.

Under Section 24-501 of the Act's definition of "Indoor area open to the public," an indoor area of any establishment licensed or permitted under the Alcoholic Beverages Article of Maryland's Code for the sale or possession of alcoholic beverages is also covered under the smoking ban. This means that a cigar lounge/shop can allow smoking under the retail tobacco business exemption of the Clean Indoor Air Act but cannot also be licensed to sell/serve alcohol. And we oppose the passage of legislation that would allow for this.

Although we do not generally take positions on local alcohol bills, we are concerned about the precedent that passage of this legislation would create statewide. We have also opposed similar cigar lounge liquor license bills proposed for Frederick, Harford, and Wicomico Counties in recent years. None of those bills passed.

For these reasons, we request an unfavorable report.

Sincerely,

A handwritten signature in black ink, appearing to read "Melvin R. Thompson", with a long horizontal flourish extending to the right.

Melvin R. Thompson
Senior Vice President

SB 186 - PG Co - Alcoholic Bev - Cigar Lounge Lic

Uploaded by: State of Maryland (MD)

Position: UNF



**2024 SESSION
POSITION PAPER**

BILL: SB 186 – Prince George’s County- Alcoholic Beverages- - Cigar Lounge License

COMMITTEE: Senate – Finance Committee

POSITION: Letter of Opposition

BILL ANALYSIS: SB 186 would establish a Class B-CL (cigar lounge) beer, wine, and liquor license in Prince George's County; exclude the license from certain distance restrictions; and exclude a certain business that operates in the county under the license from the requirements of the Clean Indoor Air Act.

POSITION RATIONALE: The Maryland Association of County Health Officers (MACHO) opposes the enactment of SB 186 on the grounds that it would set a statewide precedent for circumventing the Clean Indoor Air Act (CIAA). By creating a new classification of businesses that is exempt from the CIAA, the Cigar Lounge License reverse engineers a path for businesses to reinstate smoking in bars. There is also no logical reason this model couldn’t be extended to allow cigar lounges to serve food and essentially reinstate smoking in restaurants.

The Maryland Clean Indoor Air Act has been extremely successful not only in protecting workers from the harms of second-hand smoke, including permanent lung damage and cancer risks, it has also helped change societal norms regarding the acceptability of smoking with most residents now accepting and expecting smoke free environments to be the norm. It is now recognized that part of the decrease in smoking over the past 15 years is due to changes in societal acceptance of smoking in bars and restaurants^{1,2}.

Creating a new exception to the CIAA will set Maryland back in terms of workplace protections and societal perception of risk from tobacco products.

For these reasons, the Maryland Association of County Health Officers opposes SB 186. For more information, please contact Ruth Maiorana, MACHO Executive Director at rmaioral@jhu.edu or 410-937-1433. *This communication reflects the position of MACHO.*

¹ <https://www.sciencedirect.com/science/article/abs/pii/S0091743520301225?via%3Dihub>
² <https://www.sciencedirect.com/science/article/abs/pii/S0091743519302063>