



**2026 SESSION
POSITION PAPER**

BILL: **HB 918 - Baltimore City - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Local Law Authorization**
COMMITTEE: **House - Economic Matters Committee**
POSITION: **Letter of Support With Amendment**
BILL ANALYSIS: **HB 918 would authorize Baltimore City to enact and enforce local laws regulating the sale and distribution of cigarettes, other tobacco products, and electronic smoking devices, subject to certain exceptions.**

POSITION RATIONALE: The Maryland Association of County Health Officers (MACHO) strongly supports HB 918. This legislation will enable Baltimore City to enact and enforce evidence-based laws shown to reduce tobacco and nicotine use.¹ Baltimore City, and other jurisdictions, have been unable to take such actions since 2013 when the Maryland Court of Appeals held that, in its interpretation, existing state law preempted local laws regarding tobacco control (*Altadis U.S.A. v. Prince George's, Maryland*).² Passage of HB 918 will clarify for the Court that it is the intent of the Legislature to allow local jurisdictions to act in the best interests of its electorate in the context of this important health policy area. MACHO recommends an amendment to remove a provision in the Business Regulation Article that would be made obsolete by passage of HB 918.

While this is a local bill specific to Baltimore City, it has important positive implications for all Maryland counties. HB 918 acknowledges that in tobacco control, individual jurisdictions have distinct needs. The concentration of tobacco vendors, the proximity of vendors to schools and other facilities that attract children and adolescents, and the local cultural factors that lead to generational views on the acceptance of tobacco and electronic smoking devices, vary considerably around the state but are particularly concentrated and targeted in the City. Maintaining the current one-size-fits-all approach prevents Baltimore City, and potentially other jurisdictions, from pinpointing efforts to address disparate nicotine addiction and subsequent disease issues in their communities. As nicotine addiction among adolescents has surged since the mass marketing of vaping products, the ability of local governments to respond in a timely and effective manner to direct tobacco product and electronic smoking device control is even more important in 2026 than it was in 2013.

To enable Baltimore City to enact and enforce tobacco control solutions that best meet the needs of its residents, MACHO submits this Letter of Support With Amendment for HB 918 (see below). For more information, please contact Ruth Maiorana, MACHO Executive Director at rmajoral@jhu.edu or 410-937-1433. *This communication reflects the position of MACHO.*

RECOMMENDED AMENDMENT:

16–308.2. (delete (a) – (e) content)

[(a) In this section, “unpackaged cigarette” means any cigarette not contained in a sealed package of 20 or more cigarettes that are designed and intended to be sold as a unit.

(b) This section applies only in Baltimore City.

(c) A person who holds a county license may not sell an unpackaged cigarette.

(d) (1) An enforcement officer of the Tobacco Use Prevention and Cessation Program in the Baltimore City Health Department may enforce this section by entering and inspecting, at a reasonable time, the premises of a county license holder.

(2) An enforcement officer shall report a violation of this section to a State’s Attorney.

(e) Issuance of a citation by the Comptroller or the Executive Director for a violation of § 16–215 of this title precludes a prosecution for a violation under this section arising out of the same incident.

16–308.3.]

“A broad consensus exists among public health practitioners and tobacco control advocates that preemption has an adverse impact on tobacco control efforts.” Mowery, P.D., Babb, S., Hobart, R., Tworek, C., MacNeil, A. "The Impact of State Preemption of Local Smoking Restrictions on Public Health Protections and Changes in Social Norms", *Journal of Environmental and Public Health*, (2012). vol. 2012, . <https://doi.org/10.1155/2012/632629>. “Research has documented the effectiveness of laws and policies in a comprehensive tobacco control effort to protect the public from secondhand smoke exposure, promote cessation, and prevent initiation...”Centers for Disease Control and Prevention. *Best Practices for Comprehensive Tobacco Control Programs—2014*. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

² *Altadis USA, inc., et al. v. Prince George's County, Maryland* (<https://caselaw.findlaw.com/md-court-of-appeals/1629061.html> April 25, 2013).

