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SB0279

February 5, 2026

TO: Members of the Finance Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: Senate Bill 279 – Baltimore City - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Local Laws Authorization

POSITION: Favorable with amendment

Chair Beidle, Vice Chair Hayes, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** SB 279 **with amendment**.

SB 279 authorizes Baltimore City to enact and enforce local laws regulating the sale, distribution, and packaging of tobacco and tobacco-related products. Baltimore City has more than 1,000 licensed tobacco retailers – more than any other jurisdiction in the state. In Baltimore City, 20% of adults and 20.3% of youth use tobacco.^{1,2} Despite the seriousness of this issue, local jurisdictions are hamstrung from passing and enforcing legislation to address the sale, distribution, and packaging of tobacco products by the decision in a 2013 court case: *Altadis U.S.A., Inc. et al. v. Prince George's County, Maryland*, 431 Md. 307. **This bill would restore Baltimore City's authority to regulate the packaging and sale of tobacco products locally.** However, the BCA respectfully requests an amendment to include repealing Business Regulation Article §16-308.2 (a provision that creates a carveout for Baltimore City to refer cases of unpacked cigarette sales to the state).

Altadis struck down two Prince George's County ordinances concerning the packaging, sale, and distribution of cigars. The Court determined that the General Assembly meant for Sections 16-101, *et. seq.* of the Business Regulation Article of the Maryland Code to prevent local regulation of packaging and sale of tobacco products. The Court of Appeals decision in *Altadis* has far-ranging impacts on the City of Baltimore. Two provisions of the City's Health Code were invalidated, including Title 12, Subtitle 2 (Sale of Unpackaged Cigarettes) and Subtitle 6 (Flavored Tobacco Wrappings). While SB 279 would allow Baltimore City to enforce its own Health Code provisions generally, 16-308.2 is a more specific provision pertaining to the enforcement of sales of unpackaged cigarettes and would create a potential conflict restricting the City's ability to issue citations for unpackaged cigarettes. Without amending the bill to remove this provision, the Baltimore City Health Department's (BCHD's) Tobacco Program would not be able to enforce sales of unpackaged cigarettes. Currently, BCHD must refer these cases to the State Comptroller's office for enforcement – an inefficient, bifurcated system created as a result of the *Altadis* decision.

As such, the BCA respectfully requests a **favorable** report on SB 279 **with the following amendments:**

¹ Maryland Behavioral Risk Factor Surveillance System, accessed at <https://ibis.health.maryland.gov>

² 2022-2023 Youth Risk Behaviors Survey/Youth Tobacco Survey

16-308.2.

(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) (1) Subject to paragraph (2) of this subsection, the Maryland Department of Health or its designee shall conduct at least one unannounced inspection of a licensed retailer to ensure the licensee’s compliance with the provisions of this title and § 10-107 of the Criminal Law Article each year.

(2) If a licensed retailer violates any provision of this title or § 10-107 of the Criminal Law Article, the Maryland Department of Health shall conduct an additional unannounced inspection within 180 days after the initial inspection.

(b) The Maryland Department of Health or its designee may use an individual under the age of 21 years to assist in conducting an inspection under this section.

(c) To determine the location of a licensed retailer subject to an unannounced inspection, the Maryland Department of Health or its designee shall use the list of licensed retailers as of December 31 of the previous calendar year.

~~16-308.4.~~ 16-308.3.

EXCEPT FOR THE ISSUANCE OF LICENSES UNDER THIS TITLE OR THE POSITION OF TAXES ON CIGARETTES UNDER TITLE 12 OF THE TAX – GENERAL ARTICLE, THE BALTIMORE CITY COUNCIL MAY ENACT AND THE MAYOR OF BALTIMORE CITY MAY ENFORCE LOCAL LAWS THAT ARE AT LEAST AS STRINGENT AS THE PROVISIONS OF THIS TITLE THAT REGULATE THE SALE AND DISTRIBUTION OF CIGARETTES. . . .