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February 5, 2026

TO: The Honorable Pamela Beidle
Chair, Finance Committee

FROM: Anna MacCormack
Assistant Attorney General, Office of the Attorney General

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

The Office of Attorney General shares with the Committee this letter of information on Senate Bill 279 – Baltimore City – Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Local Laws Authorization.

Senate Bill 279 bill expressly authorizes the Baltimore City Council and the Mayor of Baltimore City to enact and enforce local laws that are at least as stringent as State laws that regulate the sale and distribution of cigarettes, other tobacco products (OTP), and electronic smoking devices (ESD), except for the issuance of cigarette, OTP, and ESD licenses and the taxation of cigarettes and OTP.

As written, Senate Bill 279 does not conflict with State laws relating to cigarettes, OTP, or ESDs. It is similar to the Preservation Clause found in the federal Tobacco Control Act (2009), which preserves “the authority of” States to enact restrictions that are “in addition to, or more stringent than, [the Tobacco Control Act’s] requirements.” 21 U.S.C. § 387p(a)(1). States are thus “free to go above and beyond the requirements of the TCA to curb tobacco use.” *R. J. Reynolds Tobacco Co. v. City of Edina*, 60 F.4th 1170, 1174 (8th Cir. 2023).

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Senate Bill 279 would overturn *Altadis U.S.A., Inc. et al. v. Prince George’s County*, 431 Md. 307 (2013), for Baltimore City. In *Altadis*, the Court of Appeals held that State law occupied the field of regulating the packaging and sale of tobacco products, including cigars, and so preempted the two county ordinances, rendering them invalid. Senate Bill 279 explicitly authorizes Baltimore City to enact and enforce laws concerning the sale and distribution of cigarettes, OTP, and ESDs; the General Assembly would thereby resolve the issue of preemption for Baltimore City.

In other States, political subdivisions have also promulgated more stringent laws than exist at the State level concerning tobacco products. For example, the town of Brookline in Massachusetts passed a first-in-the-nation ordinance that prohibits the sale of all tobacco products to anyone born after January 1, 2020, pursuant to the State’s Home Rule Amendment to its constitution. See Letter of AAG M. Hurley to B. Kaufman, Re: Brookline Special Town Meeting of November 17, 2020—Case # 10029 (Jul. 19, 2021), available at https://ash.org/wp-content/uploads/2021/07/Brookline-10029_-Art-14-_APP-.pdf.¹ In California, the city of San Francisco adopted a ban on the sale of all flavored e-cigarettes (other than tobacco flavored), menthol cigarettes, and other non-tobacco-flavored tobacco products in July 2018. San Francisco, Cal. § 19Q.3, *Sale or Distribution of Flavored Tobacco Products Prohibited* (Jul. 21, 2018), available at https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_health/0-0-0-59339#JD_19Q.3. The State of California followed with a law in 2020 that banned flavored tobacco products (subject to certain exceptions), which was further expanded in 2025. Press Release, State of California Department of Justice, “Attorney General Bonta Announces Publication of Unflavored Tobacco List,” (Dec. 31, 2025), available at <https://oag.ca.gov/news/press-releases/attorney-general-bonta-announces-publication-unflavored-tobacco-list>.

cc: Committee Members

¹ The Town of Brookline’s bylaw was later upheld by the Supreme Judicial Court of Massachusetts. *Six Brothers, Inc. v. Town of Brookline*, 228 N.E.3d 565 (Mass. 2024)