

ALA_Baltimore City Preemption Testimony - SB279_1-

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Position: FAV



American Lung Association Testimony Senate Bill 279
Finance Committee
February 2, 2026
Support

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

Thank you for the opportunity to provide comments on Senate Bill 279, Baltimore City - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Local Law Authorization sponsored by Senator Hayes. The American Lung Association **supports** this bill as an integral way to address tobacco usage especially among youth.

The American Lung Association is the leading organization working to save lives by improving lung health and preventing lung disease, through research, education and advocacy. The work of the American Lung Association is focused on four strategic imperatives: to defeat lung cancer; to improve the air we breathe; to reduce the burden of lung disease on individuals and their families; and to eliminate tobacco use and tobacco-related diseases.

In data from the [2024 National Tobacco Youth Survey](#), tobacco use among high school and middle school students continue to show concerning levels with more than 2.25 million youth using a tobacco product. Nearly 90% of the youth survey respondents reported using flavored e-cigarettes including mint and menthol. Flavored tobacco products remain the primary gateway for youth addiction, including an influx of new products entering the market such as nicotine pouches which come in youth appealing flavors and are marketed via social media influencers. In [Maryland](#), 14% of high school students use an electronic smoking device and 15.9% use a tobacco product. The tobacco industry has continued to target youth users with marketing of flavored tobacco products which makes them appealing to youth, with many of them not realizing that these products contain nicotine. As a result, we are setting our kids up for a lifetime of addiction and losing the opportunity for the first tobacco-free generation.

In Maryland, local governments have been stripped of their power to fully protect residents from the devastating effects of tobacco use as a result of a contentious 2013 court ruling, *Altadis v. Prince George's County* which was brought by the tobacco industry and prevented Prince George's County and other jurisdictions from passing new laws regulating tobacco products. Prior to this 2013 court ruling local governments like Baltimore City had the power under the Maryland Constitution and Code to enact local laws related to smoking, tobacco use, and sale of tobacco products.

Senate Bill 279 **restores** Baltimore City's authority that they **once had** by allowing them as a local government to enact and enforce local tobacco control laws. Tobacco control policy in Maryland does not have to exist only at the state or even with the local government. Each level of government brings its own strengths with local governments being uniquely positioned to meet the needs of the people who live in their communities. They see firsthand how effective tobacco control policy can evolve over time, and can respond more quickly to local needs, tailor ordinances to meet those needs and develop effective enforcement measures.

The American Lung Association thanks the Maryland General Assembly for their continued commitment to the health and wellbeing of the residents of Maryland and the desire to protect Maryland youth from a lifelong tobacco and nicotine addiction. The American Lung Association supports Senate Bill 279 which will **restore Baltimore City's local authority** over tobacco control and enforcement and encourages swift action to move the bill out of committee and passage by the General Assembly.

Sincerely,

A handwritten signature in cursive script that reads "Aleks Casper".

Aleks Casper
Director of Advocacy, Maryland
202-719-2810
aleks.casper@lung.org

SB279_WrittenTestimony_Favorable_MdPHA.2.5.26.pdf

Uploaded by: Ilona Kabara

Position: FAV



Mission: To improve public health in Maryland through education and advocacy ***Vision:*** Healthy Marylanders living in Healthy Communities

WRITTEN TESTIMONY IN SUPPORT OF SENATE BILL 279
Baltimore City - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices -
Local Laws Authorization
Committee: Finance
By: Maryland Public Health Association (MdpHA)
Hearing Date: February 5, 2026

Dear Chair Beidle and Members of the Senate Finance Committee, thank you for the opportunity to testify in favor of Senate Bill 279, which would authorize Baltimore City to enact and enforce local laws regulating the sale and distribution of tobacco products and electronic smoking devices to address local public health needs.

Baltimore City has been disproportionately impacted by tobacco use and its associated health consequences for decades. Rates of tobacco-related illness, premature mortality, and youth exposure remain higher in Baltimore City than in many other parts of the state. This reflects long-standing structural inequities, a concentrated retail environment, and aggressive marketing of tobacco and electronic smoking devices in urban communities¹⁻³. These realities require tailored, place-based solutions.

Senate Bill 279 is a necessary and timely policy that empowers Baltimore City to respond directly to this public health challenge. By authorizing the City to enact and enforce local laws regulating the sale and distribution of cigarettes, other tobacco products, and electronic smoking devices, provided those laws are at least as stringent as state law, the bill offers flexibility to meet local needs while maintaining statewide consistency. Evidence from jurisdictions across the United States shows that local authority to adopt stronger tobacco control measures leads to meaningful public health improvements. Cities that have implemented stricter local tobacco and smoke-free policies have documented reductions in tobacco consumption, decreased exposure to secondhand smoke, and measurable improvements in cardiovascular health outcomes, including significant declines in hospital admissions for acute myocardial infarction following implementation of local ordinances⁴⁻⁶. Local control also helps communities close enforcement gaps, reduce youth access, and respond more quickly to emerging products such as flavored electronic smoking devices⁷. This avoids one-size-fits-all approaches that have historically limited Baltimore City's ability to implement effective, locally responsive tobacco control strategies.

Importantly, SB 279 preserves state authority over licensing and taxation, ensuring regulatory balance while removing barriers that prevent Baltimore City from protecting its residents. This approach strengthens, rather than fragments, Maryland's tobacco control framework. As an

association deeply engaged in policy and community-based work focused on equity, we strongly believe local governments must be empowered to implement evidence-based strategies that reflect local realities. SB 279 does exactly that.

For these reasons, we respectfully urge a favorable report on Senate Bill 279.

References

- ¹ Maryland Department of Health. (2024). Maryland Department of Health releases 2022–2023 Youth Risk Behavior Survey and Youth Tobacco Survey data.
<https://health.maryland.gov/newsroom/Pages/Maryland-Department-of-Health-releases-2022-2023-Youth-Risk-Behavior-Survey-and-Youth-Tobacco-Survey-data.aspx>
- ² ASPIRE Center (National Cancer Institute–funded). (2020). Tobacco Retailer Density Fact Sheet: Baltimore City, Maryland.
https://aspirecenter.org/wp-content/uploads/2020/05/RetailerDensityFactSheet_Baltimore.pdf
- ³ Galiatsatos, P., et al. (2018). Neighborhood characteristics and health outcomes in urban communities. *Journal of Urban Health*, 95(1), 33–44.
- ⁴ Sargent, R. P., Shepard, R. M., & Glantz, S. A. (2004). Reduced incidence of admissions for myocardial infarction associated with a public smoking ban. *BMJ*, 328(7446), 977–980.
- ⁵ Bartecchi, C., et al. (2006). Reduction in hospital admissions for acute myocardial infarction after implementation of a smoke-free ordinance. *Circulation*, 114(14), 1490–1496.
- ⁶ Lightwood, J. M., et al. (2009). Declines in acute myocardial infarction after smoke-free laws. *Circulation*, 120(14), 1373–1379.
- ⁷ U.S. Surgeon General. (2016). E-cigarette use among youth and young adults: A report of the Surgeon General. U.S. Department of Health and Human Services.

The Maryland Public Health Association (MdPHA) is a nonprofit, statewide organization of public health professionals dedicated to improving the lives of all Marylanders through education, advocacy, and collaboration. We support public policies consistent with our vision of healthy Marylanders living in healthy, equitable, communities. MdPHA is the state affiliate of the American Public Health Association, a nearly 145-year-old professional organization dedicated to improving population health and reducing the health disparities that plague our state and our nation.

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CM GLOVER MESSAGE SB0278.pdf

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Position: FAV



A Message From

Antonio "Tony" Glover

Baltimore City Councilman
District 13

Statement from Councilman Antonio "Tony" Glover, Baltimore City Council, 13th District

I strongly support Senate Bill 0279 because it gives the City of Baltimore the authority it needs to combat the growing number of rogue smoke shops operating illegally across our city. These establishments have become a serious quality-of-life and public safety issue, and they are especially prevalent in the 13th District.

SB 0279 empowers Baltimore City to enact and enforce stronger local regulations on the sale of tobacco and electronic smoking devices, helping us hold bad actors accountable while protecting our neighborhoods, youth, and law-abiding businesses. This legislation is a critical step toward restoring order, fairness, and compliance in communities that have been disproportionately impacted by illegal smoke shop activity.

We are all in this together
WE ARE ONE!!

Antonio "Tony" Glover

Antonio "Tony" Glover
Baltimore City Councilman
District 13

SB 279 Baltimore City - Cigarettes, Other Tobacco

Uploaded by: Kathryn Feeley

Position: FAV



February 3, 2026

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

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

Dear Chair Beidle:

The Maryland State Council on Cancer Control (Council) respectfully submits this letter of support for Senate Bill 279 (SB 279), which 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 limitations under State law.

Supporting Local Public Health Authority

Local governments play a critical role in protecting public health and responding to the specific needs of their communities. SB 279 would provide limited local authority to Baltimore City to regulate tobacco and electronic smoking products in ways that are at least as stringent as State law, while preserving the State’s role in licensing and taxation. This approach appropriately balances statewide consistency with local flexibility.

Tobacco Use and Cancer Prevention

Tobacco use remains the leading preventable cause of cancer and cancer-related death. Policies that reduce access to and exposure to tobacco products—particularly combustible tobacco and emerging electronic smoking devices—are central to comprehensive cancer prevention efforts. Allowing local jurisdictions to adopt evidence-informed tobacco control strategies can support reductions in tobacco use, initiation, and associated cancer risk.

Addressing Community-Specific Needs

Baltimore City faces unique public health challenges related to tobacco use and related disparities. Local authority enables municipalities to respond to patterns of use, product availability, and community impact in ways that complement statewide efforts. SB 279 provides Baltimore City with the ability to tailor public health interventions while remaining aligned with Maryland’s broader tobacco control framework.

Advancing Comprehensive Cancer Control

The Council supports policies that strengthen Maryland’s comprehensive cancer control efforts through prevention, risk reduction, and health equity. By permitting Baltimore City to enact local tobacco control measures, SB 279 supports a multi-level public health approach that can contribute to reducing Maryland’s cancer morbidity and mortality burden.



For these reasons, the Maryland State Council on Cancer Control supports SB 279 and respectfully urges the Senate Finance Committee to give the bill favorable consideration.

Thank you for your leadership and continued commitment to public health and cancer prevention in Maryland.

Sincerely,

A handwritten signature in blue ink, appearing to read "Taofeek Owonikoko". The signature is fluid and cursive, with a large initial "T" and "O".

Taofeek Owonikoko, MD
Chair
Maryland State Council on Cancer Control

AHA Supports SB 279 Baltimore City Local Tobacco.p

Uploaded by: Laura Hale

Position: FAV



February 1, 2026

Testimony of Laura Hale
American Heart Association

Support of SB 279 Baltimore City - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Local Laws Authorization

Dear Chair Beidle, Vice Chair Hayes, and Honorable Members of the Finance Committee

Thank you for the opportunity to submit testimony. My name is Laura Hale and I am the Director of Government Relations for the American Heart Association. The American Heart Association offers our strong support of SB 279.

Localities in Maryland have long been a partner with the state in the fight against big tobacco. We support all localities, including Baltimore City to have the authority to regulate tobacco control (stronger than the state.) Without the local authority to enact and enforce tobacco control laws, Maryland's local governments will not be able to respond to the unique drivers of tobacco use in their jurisdictions. The High School Tobacco Use Rate in Maryland is 15.9 percent¹, a number that has climbed in recent years. To protect Maryland's youth from the dangers of tobacco use, local governments must be able to rectify a recent Court of Appeals decision that calls into question their ability to regulate the sale and distribution of tobacco products at the local level.

In 2013, the Maryland Court of Appeals held that state law preempts local regulation of minimum packaging requirements for cigars, the effect of which has limited our authority to pass and enforce laws regulating the sale and distribution of tobacco products. *Altadis U.S.A., Inc., et al. v. Prince George's County, Maryland*, 431 Md. 307, (2013). The holding turns on the existence of certain provisions in the State Business Regulation Article relating to cigar packaging even though those state provisions were enacted after the local laws in question and even after oral argument in this matter. Unfortunately, this decision contains broad language concerning state preemption of the local authority to enact and enforce laws regulating the sale and distribution of tobacco products. This language has resulted in local jurisdictions being threatened with lawsuits if they continue to enforce and enact and enforce tobacco laws that appropriately address the specific challenges of their community.

Maryland cities and counties need to be able to fight back against big tobacco. This bill allows Baltimore City to do this. The American Heart Association urges a swift and favorable report on SB 279.

¹ <https://www.lung.org/research/sotc/state-grades/highlights/maryland>

SB 279 - Balt City - Cig, OTPs, and E-Smok Dev - L

Uploaded by: State of Maryland

Position: FAV



**2026 SESSION
POSITION PAPER**

BILL: SB 279 - Baltimore City - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices – Local Law Authorization

COMMITTEE: Senate Finance Committee

POSITION: Letter of Support With Amendment

BILL ANALYSIS: SB 279 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 SB 279. 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 SB 279 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 SB 279.

While this is a local bill specific to Baltimore City, it has important positive implications for all Maryland counties. SB 279 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 SB 279 (see below). For more information, please contact Ruth Maiorana, MACHO Executive Director at рмаioral@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).

ZB_SB279_Written_Testimony.pdf

Uploaded by: Zac Blanchard

Position: FAV

Chair Beidle and Members of the Finance Committee,

Thank you for the opportunity to submit written testimony in support of Senator Hayes's Senate Bill 279. I am grateful for his leadership and respectfully urge a favorable report.

In the past several years, Baltimore has experienced an explosion of smoke shops and other tobacco-focused retailers opening in commercial storefronts, often tightly clustered on single blocks. This past fall, I introduced a city bill that would require dispersal of these businesses and prevent them from opening near sensitive uses like schools and parks. SB279 will affirm Baltimore City's authority to enforce the local laws regulating these establishments. It will ensure the city's land use authority on this matter stands up to scrutiny if challenged.

Revitalizing city neighborhoods filled with vacant homes requires more than just restoring the residential character. We need to cultivate a healthy mix of businesses that support daily needs, encourage the foot traffic that will attract long-term investment to the commercial corridors and corner storefronts that serve those neighborhoods. Clusters of smoke shops undermine that goal and make it more difficult to bring in good actors who are looking to strengthen their communities.

More importantly, this will help Baltimore protect its youth. Tobacco retailers use advertising that entices young people to use addictive products that threatens their long-term health. The CDC and US Surgeon General have established that tobacco-retailer density and proximity are associated with increased tobacco-product consumption and higher youth initiation. Giving Baltimore the regulatory footing to limit the proliferation of smoke shops will pay dividends, both in terms of resident health and business strength.

To be clear, SB 279 and CB 25-0114 are not about banning retailers but about crafting laws that protect vulnerable main streets, commercial corridors, and children from predatory businesses. SB 279 will give Baltimore added legal confidence as it modernizes its zoning tools to protect youth, reduce inequitable exposure, and support more investable commercial corridors.

For these reasons, I respectfully request a **favorable** report on SB 279.

Councilmember Zac Blanchard

District 11, Baltimore City Council

ANTONIO HAYES Testimony 2:5 SB 279.pdf

Uploaded by: Antonio Hayes

Position: FWA

ANTONIO HAYES

Annapolis, Maryland 21401

Legislative District 40



Testimony of Senator Hayes in Support of Senate Bill 279: *Baltimore City - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices - Local Laws Authorization*

February 5, 2026

Dear Madam Chair Beidle and Members of the Finance Committee,

The Maryland Department of Health reports that approximately 7,500 adults in Maryland die each year from tobacco-related causes, and 150,000 more suffer from tobacco-related diseases. Baltimore City, in particular, has the highest prevalence of smokers in the state. African Americans experience higher smoking rates, contributing to significant health disparities across Maryland. These disparities are further exacerbated by the high density of tobacco retailers—more than 1,600 operate within Baltimore City alone.

Smoking remains a leading public health hazard in Baltimore City. Addressing this hazard requires legislative tools that can be enacted and enforced efficiently at the local level. Senate Bill 279 seeks to improve local public health responses by authorizing the Baltimore City Council and the Mayor to enact and enforce laws regulating the sale and distribution of cigarettes and other tobacco-related products.

Currently, Baltimore City is preempted from legislating in these areas due to the Maryland Court of Appeals' decision in *Altadis v. Prince George's County*. Other jurisdictions, including New York and Philadelphia, have enacted legislation to prevent similar preemption, recognizing that such limitations inhibit effective control of tobacco retailer density—a factor directly correlated with tobacco use.

Senate Bill 279 would also allow Baltimore City to enforce tobacco laws in coordination with the Comptroller's Office, creating an opportunity to reduce the broad enforcement burden that currently rests with the Comptroller.

Overall, Senate Bill 279 proposes granting Baltimore City authority that is proportional to the public health hazard posed by current tobacco usage rates. In addition to strengthening tobacco-

related policy and enforcement, the bill has meaningful potential to alleviate the extensive enforcement responsibilities currently borne by the Comptroller's Office.

Thus, I urge a favorable report on Senate Bill 279.

Respectfully,

Senator Antonio L. Hayes
40th Legislative District – MD

LRC Written Testimony FWA Senate Bill 270.pdf

Uploaded by: Kathleen Hoke

Position: FWA




Testimony in Support of Senate Bill 279, with Amendments
Baltimore City - Cigarettes, Other Tobacco Products, and Electronic Smoking Devices –
Local Laws Authorization
Before the Senate Finance Committee: February 5, 2026

Senate Bill 279 would give Baltimore City the authority to enact and enforce laws regulating the sale of tobacco products. Prior to 2013, Baltimore City passed local laws regulating tobacco products, including prohibiting the sale of loose cigarettes and flavored blunt wraps, and the City Health Commissioner promulgated regulations on minimum pack sizes for little cigars. This local power was curtailed by the Maryland Supreme Court decision, *Altadis U.S.A. v. Prince George's County*, 431 Md. 307 (2013), which held that by passing a law requiring cigar sellers to be licensed, the General Assembly impliedly preempted local jurisdictions from enacting laws relating to the sale and distribution of tobacco products broadly. As a result, Baltimore City has been unable to enforce existing tobacco regulations or to pass new legislation that responds to the changing dynamics of tobacco use in the City.

Preemption is the constitutional doctrine that federal law may be supreme over state or local law and state law may be supreme over local law. There are two types of preemption, express and implied. A federal or state statute may explicitly prohibit local regulation; that is express preemption. Preemption may also be implied either by conflict (if the local law interferes with the objectives of a state or federal law) or field preemption (when the state or federal government has heavily regulated a particular field, suggesting an intent to occupy the entire subject area). Often state preemption of local regulation is detrimental to a local government's ability to nimbly and specifically address local public health concerns. That is certainly true with the impact of the *Altadis* decision's finding of implied preemption of local tobacco regulatory power.

Local control is integral to addressing myriad issues in tobacco regulation, including youth use of conventional and emerging products and restrictions at the retail level that curtail youth access. Baltimore City was quick to respond to youth-focused products in the early 2000's, passing an ordinance banning the sale of flavored blunt wraps and another prohibiting the sale of unpackaged cigarettes, commonly referred to as loosies. Then-Baltimore City Health Commissioner Sharfstein promulgated a regulation in 2008 that would have imposed minimum pack sizes on small cigars,



commonly called blunts, that had become popular among Baltimore City teens. That regulation was consistent with the Prince George’s County ordinance that was challenged in *Altadis*. These efforts to reduce the negative public health impacts of youth smoking were dismantled by the *Altadis* decision. Senate Bill 279 is an effort to restore local power to Baltimore City.

For these reasons, the Legal Resource Center for Public Health Policy supports passage of Senate Bill 279. However, a somewhat technical amendment is necessary to clear potential confusion between the bill and current law.

We suggest an amendment that would repeal current Business Regulation Article §6-308.2, which relates to Baltimore City’s process for citing a retailer for selling unpackaged cigarettes. No other local jurisdictions are implicated in BR §16-308.2. If Senate Bill 279 were to pass without repealing BR §16-308.2, there would be a potential conflict. The broader grant of power in Senate Bill 279 would mean that Baltimore City could start to enforce its Health Code on loosies (Baltimore City Health Code Title 12, Subtitle 2). But the existence of BR §16-308.2—a more specific provision—may mean the City Health Department cannot do so. The relevant difference between the City Code provision and BR §16-308.2 is that the City Code allows for the City Health Department to do the enforcement via an environmental infraction (that will be heard by the Environmental Control Board (ECB)) or a civil citation (that will be heard in District Court) while BR §16-308.2 allows the City Health Department to conduct inspections for violations but the Department must report violations to the State’s Attorney for prosecution. The Health Department cannot issue a citation to proceed before the ECB or District Court under BR §16-308.2. The decision to prosecute is vested in the State’s Attorney. As a result, the City Health Department has not been conducting loosies enforcement—fearing the local code provision is preempted by *Altadis* and that the State’s Attorney is not going to pursue referred charges under BR §16-308.2. Leaving that section in the state code will create confusion and interfere with full implementation of Senate Bill 279.

For these reasons, we urge a favorable with amendments vote on Senate Bill 279. We understand that the bill sponsor, Senator Hayes, and the Baltimore City Health Department agree fully with the amendment to repeal BR §16-308.2.

Kathleen Hoke

Executive Director

Legal Resource Center for Public Health Policy

This testimony is submitted on behalf of the Legal Resource Center for Public Health Policy and the Public Health Law Clinic at the University of Maryland Carey School of Law and not by the School of Law; the University of Maryland, Baltimore; or the University of Maryland System.

SB0279-FIN-SWA.pdf

Uploaded by: Nina Themelis

Position: FWA



BRANDON M. SCOTT
MAYOR

Office of Government Relations
88 State Circle
Annapolis, Maryland 21401

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. . . .

CAA2026SB279Opp.pdf

Uploaded by: Brett Lininger

Position: UNF



February 5, 2026

Senate Finance Committee
Testimony in Opposition to SB 279

Dear Members of the Committee,

The Cigar Association of America (CAA) submits the following testimony in opposition of Senate Bill 279, a bill that would enable the City of Baltimore to supersede the State’s regulatory authority over tobacco products. CAA is the leading national trade organization representing the interests of manufacturers, importers, distributors, and major suppliers in the cigar and pipe tobacco industry. The CAA is a key stakeholder in this discussion, as the proposed change in law has the potential to significantly impact its members and their ability to conduct business in Maryland.

Statewide regulation ensures that prevention measures are clear, achievable and well implemented. These programs are designed and funded by the State, not localities. The preemption model has been successful in seeing tobacco use in Maryland reach the lowest level in decades and trends indicate continued decline.¹ Establishing a new precedent whereby localities regulate will do little to change public health metrics. History has shown that where States have allowed this, consumers simply take their business to neighboring jurisdictions.

SB 279 would legislatively overturn the 2013 decision by the Maryland Court of Appeals in *Altadis v. Prince Georges County*, which ruled in favor of the State’s preemption authority over local ordinances. In that case, Maryland’s highest court reviewed the numerous state regulations governing tobacco sales and agreed that allowing local jurisdictions to enact similar ordinances would “invite chaos and confusion.”

Discrepancies between State and local law should not be the source of conflict between law enforcement and business owners. Nor should the State enable a locality to issue greater restrictions, pushing vulnerable communities into illicit markets. When regulation is fragmented, it burdens law enforcement resources and inevitably forces more encounters in the community.

SB 279 will harm local businesses in Baltimore that will lose the additional fuel and sundry purchases consumers make along with tobacco purchases. Fragmented regulation also discourages businesses from broader investment in the State – limiting economic growth and jobs. Without regulatory control over its largest city, the State will have little certainty over its future revenue projections.

CAA strongly opposes SB 279 because it will destabilize the current regulatory model, complicate

¹ Based on data from the CDC's Behavioral Risk Factor Surveillance System (BRFSS) and the Maryland Department of Health, the adult smoking rate has dropped from approximately 19.1% in 2004 to 7.8% in 2024.

compliance, burden enforcement agencies and hurt local economies – setting the stage for future program deficits. Statewide preemption supports public health goals, facilitates compliance and balances the holistic needs of the State. Maryland cannot afford to abrogate its responsibilities in this area.

Respectfully Submitted,

Scott Pearce

President

Cigar Association of America

MD SB 279 George Falter Testimony2026.pdf

Uploaded by: Christopher Warthen

Position: UNF

Testimony Opposing SB 279

Submitted by _____

On Behalf of George J Falter Wholesale

Date: February 5th, 2026

To the Members of the Maryland Senate Finance Committee,

My Name is Chris Warthen, I am the Assistant Operations Manager for The George J Falter Company located @3501 Benson Avenue Baltimore Md 21227. We are the oldest Candy distributor in Maryland who also carries a full line of convenience store items. We were founded in Baltimore City in 1878, and the same Falter family still owns and operates the company today.

I am writing this testimony on behalf of George J Falter Company. Today, we are **opposing Senate Bill 279**, which proposes a preemption repeal for Baltimore city.

If the goal of this bill is to curb the growth of illicit vape and smoke shops in Baltimore, there are far more effective ways to achieve that without placing additional burdens on law-abiding retailers. Repealing preemption is unnecessary for the city to address this issue, especially when it could be handled through more targeted, constructive solutions.

Wholesalers like us rely on standardized regulations and rules to function effectively, and local variation disrupts that. Preemption provides uniformity across jurisdictions and prevents cities from creating their own regulations. If it were to be repealed, compliance would become fragmented, creating higher costs, operational chaos, and place the burden on compliant retailers and wholesale companies like ours. Furthermore, SB279 is not clear as to what they are trying to enforce. What will they think next that could potentially put us out of business. No bill should pass allowing anyone to have the power to randomly come up with new laws on any given day without needing pass to in the legislative process.

It is for these reasons that we urge the committee to **REJECT SB 279**

Sincerely,

Christopher Warthen

The George J. Falter Company

Testimony SB279 BAltimore City Tobacco.pdf

Uploaded by: Kirk McCauley

Position: UNF



WMDA/CAR Service Station
and Automotive Repair Association

Chair Pamela Beidle and members of Senate Finance

RE: SB279 Baltimore City -Cigarettes, Other Tobacco Products, Electronic Smoking Devises- Local Laws Authorization

Position: Oppose

My name is Kirk McCauley, my employer is WMDA/CAR, we represent service stations, convenience stores, and repair facilities across the state as a non- profit trade group established in 1937.

Sb 279 would allow Baltimore City to enforce stricter tobacco Regulations, driving purchases across city borders, empower illegal street sales where there are no age verification or state tax collection. Sales are already on the street, and this would enhance those illicit sales.

Eliminating preemption in Baltimore will place store owners at a significant economic disadvantage and cost the State of Maryland tax revenue.

WMDA/CAR asks for an unfavorable vote on SB279.

Any questions, contact to Kirk McCauley, 301-775-0221 or kmccauley@wmdacar.com

SB279_OAG_INFO

Uploaded by: Anna MacCormack

Position: INFO

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STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
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CHRISTIAN E. BARRERA
Chief Operating Officer

ANNA MACCORMACK
Assistant Attorney General

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).

Re: Senate Bill 279

February 5, 2025

Page 2

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)